



# Hackney Carriage and Private Hire Licensing Policy

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<b>Definitions</b>	
Applicant	Is a person or business who has submitted an application for either a grant or renewal of a licence
Assistance Dog	Is a dog which is trained to assist people with disabilities to help them with their day to day life

Authorised Council Officer	A Council Officer who is authorised by the Council to exercise powers and duties conferred by legislation
Badge	Issued to all licensed drivers and must be worn when working as a licensed driver
Byelaws	Locally adopted laws applicable to hackney carriage proprietors and drivers, breach of which is a criminal offence
CoC	Certificate of Compliance
Conditions	Mean the conditions of licence applied by the Council to a driver's licence, an operator's licence or a vehicle licence.
Date of First Registration	Means the date shown as the date of first registration on the vehicle's V5 logbook issued by DVLA
DBS	Disclosure and Barring Service
DfT	Department for Transport
Door Stickers	Door stickers which must be permanently affixed to doors of vehicles, displaying the Huntingdonshire District Council logo and suitable wording to differentiate between private hire and hackney carriage vehicles
Driving licence	A full GB driving licence issued by DVLA or EEA driving licence or acceptable equivalent as defined by DVLA or appointed agency.
DVLA	Driver and Vehicle Licensing Agency
DVSA 2014)	Driver and Vehicle Standards Agency (which replaced VOSA in
Fare Card	Is a card which must be displayed in vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and soilage charge
Hackney Carriage Vehicle	A vehicle licensed under the 1847 Act commonly referred to as a taxi
Licensed Driver	A driver licensed under the 1847 Act to drive a hackney carriage vehicle or under the 1976 Act to drive a private hire vehicle.
Licensed Vehicle	Is a vehicle which is licensed under the 1847 Act as a hackney carriage or licensed under the 1976 Act as a private hire vehicle
Licence Plate	The plate which licensed vehicles must display which shows the licence number, the maximum amount of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle.
Licensing and Protection in the	Is the committee which determine licensing matters as set out in the Council's constitution
Operator hire work	The business which invites and accepts bookings for private hire work
Plying for hire	A hackney carriage which is travelling and available for hire by responding to a request from a prospective passenger
Private Hire Vehicle	A vehicle licensed under the 1976 Act
Proprietor	Is the registered owner or part owner of a vehicle
PSV	Public Service Vehicle
Road Traffic Acts	Including all associated legislation
Standing for hire	A hackney carriage which is stationary at a hackney carriage rank or elsewhere and is available for hire by a prospective passenger
Taximeter	Is the device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. Fitted in all hackney carriage vehicles and some private hire vehicles

The 1847 Act	The Town and Police Clauses Act 1847 and the provisions in :-
The 1976 Act	The Local Government (Miscellaneous Provisions) Act 1976
The Council	Means Huntingdonshire District Council
The Controlled District	Boundary area of a local authority which has adopted the provisions of the 1976 Act
The Equality Act	Means the Equality Act 2010
The Licensing Authority Council	Means the licensing function within Huntingdonshire District Council
This Policy	Is this policy document and annexes.
WAV	Wheelchair Accessible Vehicle

## **Licensing policy status**

This policy will take effect from 1 January 2019 and will override and supersede all existing Council policy and guidance in relation to Hackney Carriage and Private Hire Licensing. The Authority expects all licence holders to comply with its terms immediately, but it is acknowledged that certain provisions may place financial obligations on existing licence holders and accordingly the Authority is prepared to permit a transitional period for certain aspects of this policy and attached conditions during which time necessary changes must be made.

The published policy will be made available on the Council's website and at the Council's offices at Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN, during office hours.

## Section 1 - Introduction

### Policy Purpose, Status and Scope

- 1.1 This document sets out Huntingdonshire District Council's Hackney Carriage and Private Hire Licensing Policy on the licensing of Hackney Carriage and Private Hire Drivers, Vehicles and Private Hire Operators. The purpose of the policy is to provide guidance and information on the general approach and expectations taken by Huntingdonshire District Council when administering its functions within the legislative framework of the 1847 and 1976 Acts.
- 1.2 This policy also sets out the legislative framework administered by the Licensing Authority in respect of such licences, however it is not a comprehensive statement of the law. This policy does not override the legal requirements embodied in any legislation in force at the time of adoption or as may be enacted after the adoption of the policy. Where any subsequent changes occur to applicable legislation or its interpretation by the courts that conflict with this policy, the conflicting elements will not apply and will be amended at the earliest opportunity.
- 1.3 The legislation places a duty on the Council as the Licensing Authority for licensing Hackney Carriage and Private Hire vehicles, drivers and operators. Hackney Carriage and Private Hire Vehicles play a vital and integral role in an integrated public system and the importance of a thriving Hackney Carriage and Private Hire trade to the growth and prosperity of Huntingdonshire District's local economy is recognised.
- 1.4 The Licensing Authority understands the importance and responsibility it has in ensuring that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that drivers and operators are "fit and proper" (i.e. safe and suitable) to undertake the role. However the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the policy.
- 1.5 This policy is intended to put the Council's licensing requirements into context for all parties in a clear and transparent manner.

### Aims

- 1.6 The Department for Transport Best Practice Guide states the aim of the Licensing Authority is to protect the public. In this policy, the Licensing Authority seeks to carry out its licensing functions with a view to promoting the following aims:
  - The safety and protection of the public; to include driver conduct and performance, consideration of their history of convictions cautions and warnings, knowledge of the area, and a general level of competency to be a licensed driver to include English, maths and legislation, along with health and fitness to fulfil the role of a licensed driver and the suitability of operators.
  - Vehicle specifications, safety, comfort and access; to include appearance and accessibility and the suitability of the vehicle proprietor.
  - The prevention of crime and disorder: including working with the Police and other relevant agencies, operation of planned and unplanned compliance and enforcement programmes.
  - The protection of children and vulnerable persons at risk from harm; including safeguarding requirements and training, co-operation with other agencies,

robust reporting and determination of fit and proper persons.

- 1.7 This policy recognises that the licensing function is only one means of securing the delivery of the above aims. The Licensing Authority will therefore continue to work in partnership with the trade, its neighbouring authorities, the police, Government bodies, other enforcement agencies, local businesses and local people toward the promotion of the aims.
- 1.8 Each decision, application or enforcement measure will be considered on its own merits, using the policy as a main guideline. However, where and if considered necessary, the Licensing Authority can depart from the policy, but will provide clear and compelling reasons for doing so.
- 1.9 This policy is not a comprehensive statement of the law and applicants should always obtain their own legal advice if they are unsure of the requirements of legislation.

### **Powers and duties**

- 1.10 This policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 which places duties on the Council to carry out its licensing function.
- 1.11 In exercising its discretion in carrying out its regulatory functions, the Licensing Authority will have regard to this policy document and the aims set out above.
- 1.12 In undertaking its licensing function, the Licensing Authority will also have regard to other relevant legislation including:
  - Transport Act 1985 and other associated Road Traffic Acts
  - Road Vehicles (Constructions and use) Regulations 1986
  - Crime and Disorder Act 1998
  - Data Protection Act 1998
  - Human Rights Act 1998
  - Environmental Protection Act 1990
  - Equality Act 2010
  - Health Act 2006 and Smoke-free Regulations 2006/7
  - Immigration Act 2016
  - Policing and Crime Act 2017

### **Consultation and Revision**

- 1.13 This policy and annexes will be kept under review and revised as appropriate, in any event, not less than five years from the date of its last adoption. The Authority will consult, where appropriate, on proposed revisions, to reflect changes in case law and legislation. The Licensing and Protection Committee may make any amendments to the policy and any annexes. Sections may be updated and amended without the whole policy being consulted upon.
- 1.14 Consultation will normally take place with the following:-
  - Huntingdonshire Hackney Carriage Representatives
  - Taxi and private hire drivers and proprietors
  - Huntingdonshire private hire operators



District and Parish councillors  
Cambridgeshire County Council Passenger Transport  
Local Children's Safeguarding  
Cambridgeshire Constabulary – Chief Constable of Police  
Huntingdon Chamber of Commerce  
Neighbouring Licensing authorities  
General public

The above list is not exhaustive and consultations may include some or all of the above along with other persons, bodies or agencies as the Council considers appropriate

- 1.15 The consultation will normally appear on the Council's website advising the nature of the consultation and period.

### **Implementation**

- 1.16 This policy will take effect from 1 January 2019 and will override and supersede all existing Council policy and guidance in relation to Hackney Carriage and Private Hire Licensing. The Authority expects all licence holders to comply with its terms immediately, but it is acknowledged that certain provisions may place financial obligations on existing licence holders and accordingly the Authority is prepared to permit a transitional period, for certain aspects of this policy and attached conditions during which time, necessary changes must be made.
- 1.17 The published policy will be made available on the Council's website and at the Council's offices at Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN, during office hours.

### **The Licensing Regime**

- 1.18 Some activities are considered to be of such a risk to the safety of members of the public that law requires an approval to be in place in the form of a licence to regulate that activity. This is the case for the Hackney Carriage and Private Hire trade, who make themselves available for hire to transport members of the public to their chosen destination in return for reward. The legislation creates five types of licence:
- Hackney carriage driver
  - Private hire driver (note that this Authority issues a dual Hackney Carriage and Private Hire driver's licence which covers both requirements)
  - Hackney carriage proprietor (or vehicle)
  - Private hire proprietor (or vehicle)
  - Private hire operator
- 1.19 A journey not carried out in accordance with the correct licences is not only illegal, but may invalidate the insurance held by the driver/proprietor and could have serious consequences for all parties involved should an accident occur.
- 1.20 A Hackney Carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means it can stand at ranks and be approached by members of the public, or be hailed in the street when plying for hire by members of the public.
- 1.21 Private Hire Vehicles must have no more than 8 passenger seats and must be booked in advance by customers through an operator and cannot stand or ply for hire in the street.

- 1.22 Vehicles that are required to carry more than 8 passengers for hire and reward are classed as Public Service Vehicles (PSV) and the Licensing Authority has no involvement in the licensing of these vehicles or drivers which are the responsibility of the Traffic Commissioners.
- 1.23 Any person who carries out Hackney Carriage or Private Hire work without the correct licences will be breaking the law and committing an offence.
- 1.24 In order to be licensed correctly the licenses must 'match', i.e. issued by the same local authority. A Hackney Carriage vehicle and the driver must be licensed by the same local authority. For Private Hire, the operator, driver and vehicle must be licensed by the same authority. This does not prohibit the operator subcontracting a booking to another operator licensed by a different local authority.
- 1.25 The legislation places a duty on the local authority to only licence those who are considered to be 'fit and proper'. The term 'fit and proper' is not defined in legislation but 'safe and suitable' is considered an acceptable interpretation and is used by the Council.
- 1.26 The legislation allows local authorities to set their own conditions, requirements, application processes and fees.
- 1.27 The aim of the legislation is to ensure that the public are protected and have reasonable access to these services. Public safety is paramount and has a wide scope, including public safeguarding, protecting vulnerable persons and public wellbeing. To achieve this aim and to meet our obligations, the Council have conditions and processes in place to promote well run, safe and responsible businesses.

### **Information sharing**

- 1.28 In the interests of protecting public funds, the Council reserve the right to use any information or data submitted as part of an application, renewal, administration or compliance and enforcement process for the prevention and detection of fraud and crime.

- 1.29 **Data Protection Act 2018 Sharing your information**

We only keep your information as long as necessary, for some items this will be dictated by law. You can find out more by looking at the council's Retention Policy on the website.

We do not routinely process any information about you outside the European Economic Area (EEA), except in rare cases, where we use all appropriate safeguards. Huntingdonshire District Council is a registered Data Controller with the Information Commissioners Office.

You can find out more about how we protect and handle your data by visiting the Council's Privacy Notice page on the web site [www.huntingdonshire.gov.uk/privacy](http://www.huntingdonshire.gov.uk/privacy). If you have a query regarding your rights please contact the Data Protection Officer who can be contacted by emailing [infogov@3csharedservices.org](mailto:infogov@3csharedservices.org) or you can write to the Council and mark your letter for the attention of the Data Protection Officer. Alternatively you can call 01480 388388.

You have the right to lodge a complaint with the Information Commissioner's Office

(ICO) should you believe any part of this statement to be unlawful. .

- 1.30 **Partnership working:** The Licensing Authority works in partnership with many other enforcement agencies such as the Police, HM Revenue and Customs, the Home Office, DVSA, Department of Work and Pensions, border agencies, benefit fraud including the National Anti-fraud network register of suspended, revoked or refused licence applications and other local authorities etc. The Council will share information with other departments or regulatory bodies where appropriate and in line with Data Protection legislation. The Council is legally required to provide information if requested, pursuant to a criminal offence, or to detect fraud, or immigration offences.

### **Decision making**

- 1.31 The Licensing Authority aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders, including the provision of guidance. The Licensing Authority will be mindful of the needs of the applicant and licence holder, but this will be balanced against the over-riding duty that the Licensing Authority has to protect the safety and welfare of the public.
- 1.32 The Council has delegated its taxi licensing functions to the Council's Licensing and Protection Committee which has, in turn, further delegated authority to the Licensing and Protection Sub-Committees and to Officers of the Council who will determine applications and licensing decisions in accordance with this policy.
- 1.33 Whilst officers and the relevant committees will in the majority of cases follow the policy, there may be specific circumstances that require a departure from the policy. In such circumstances, the reasons for departing from the policy will be made clear.
- 1.34 The Licensing Authority has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions. Where the legislative provisions allow, parties aggrieved by a decision have a right of appeal to the Magistrates' Court. Appeals are the responsibility of the applicant/licensee and must be commenced within the statutory timescales which will be explained on any decision notice issued by the Council.

### **Immigration Act 2016 – implications for all licences**

- 1.35 The Council has a statutory obligation to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licences will be undertaken in accordance with the requirements of the Immigration Act 2016 with due regard to Home Office guidance.
- 1.36 The Council has checks in place to ensure compliance with the Act, and will liaise where required with relevant Home Office departments. If however, a licence has been issued incorrectly for whatever reason, the licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the council within 7 calendar days.
- 1.37 A licence may be suspended or revoked or refused to be renewed if, since the grant of the licence, where there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.
- 1.38 Proprietors and operators also have an obligation to ensure that they only utilise persons who have the right to work in the UK. Failure to observe this obligation, or to

provide due diligence checks, will be subject to enforcement action by the appropriate Home Office department, which may result in a civil penalty or imprisonment.

### **Policing and Crime Act 2017**

- 1.39 The Council will have regard to any guidance issued by the Secretary of State regarding the protection of children, and vulnerable individuals who are 18 or over, from harm.

### **Application procedures**

- 2.1 Applicants must fully complete the specified application forms and provide the relevant accompanying paperwork required and fee before an application will be accepted. Where supporting documentation is required to be submitted, only the original document will be accepted, not photocopies or photographs of the original. Applicants who deliberately fail to declare or who make false statements on the application form or during the application process, may be subject to refusal of a licence and legal action if it constitutes fraud.
- 2.2 The Licensing Authority will consider all applications on their own merits. An application will not be processed or considered until all documentation, fully completed has been received and the relevant fee (if applicable) has been paid..
- 2.3 The responsibility for applying or renewing a licence rests solely with the applicant/ licence holder prior to the expiry date of the licence.
- 2.4 Bad, foul or abusive language by applicants or licensees will not be tolerated. The Licensing Authority will not allow any member of staff to be subjected to threatening, abusive, intimidating or violent behaviour either directly, by telephone or other methods of communication. In any of these circumstances, the Licensing Authority has the right to refuse to process an application. Any person exhibiting any of the above behaviours will have the application refused or licence revoked.

### **Grant**

- 2.5 Licences will normally be granted for the periods defined in legislation; however the Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstances.

### **Renewals**

- 2.4.1 All renewal applications must be submitted before the expiry of the licence. Late or incomplete applications for renewals may render the driver, vehicle or operator unlicensed for a period of time during which licensed activities cannot be undertaken. In most cases, once a licence has lapsed, it will not be eligible to be renewed, and a new application will be required. In those circumstances, all the formalities required for a new application will be required. This would mean that any grandfather rights would be lost.

## **Section 3 - Vehicles**

### **General provisions for hackney carriages and private hire vehicles**

#### **Definitions, Specifications and Conditions**

- 3.1 The main difference between Hackney Carriage and Private Hire vehicles is that a Hackney Carriage can be hailed in a public street or hired from a taxi rank. Private Hire vehicles must be pre-booked in advance through a licensed Private Hire Operator; they cannot stand or ply for hire. Should a private hire vehicle driver accept a fare which has not been pre-booked through an operator he is committing an offence. Anyone being conveyed in a Private Hire vehicle which has not been pre-booked may not be covered by the drivers insurance.
- 3.2 Local Licensing Authorities have a wide range of discretion over the types of vehicle they licence as Hackney Carriage and Private Hire Vehicles. Government guidance recommends that Licensing Authorities adopt a principle of specifying as many different types of vehicle as possible, leaving it open to the trade to put forward vehicles of their own choice that can be shown to meet criteria.
- 3.3 The Licensing Authority will only licence a Hackney Carriage or Private Hire Vehicle that complies with European Whole Vehicle (M1) type approval, M1 Low Volume Type Approval. UK National Small Series Type Approval and Individual Vehicle Approval (IVA).
- 3.4 A vehicle will only be licensed as a Private Hire Vehicle if it is not of an appearance or design that is considered likely to lead the public to think it is a licensed purpose built Hackney Carriage Vehicle.
- 3.5 On the grant or renewal of a Hackney Carriage or Private Hire vehicle licence, the Licensing Authority can attach such conditions as it considers reasonably necessary. These vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal conditions of vehicles. Conditions for hackney carriage and private hire vehicles can be found at Annex 2
- 3.6 All vehicles presented to the Licensing Authority for licensing and all vehicles whilst licensed must comply with the Authority's current policy, conditions and vehicle testing standards specification.
- 3.7 Licensed vehicles can only be driven by licensed drivers (except when the vehicle is being tested by a garage mechanic, in these circumstances a private hire vehicle must be driven on "trade plates").

#### **Smoking (including electronic cigarettes and vaping)**

- 3.8 All licensed vehicles must comply with the requirements of the Health Act 2006. Licensed vehicles must display a no smoking sign in the vehicle which is clearly visible to passengers. It is an offence to smoke or permit a person to smoke in a licensed vehicle at any time, even when being used by the driver for any purposes other than a paid hiring.  
This policy defines smoking to include the smoking of electronic cigarettes and vaping products.

## **Signage, Livery and Advertising**

- 3.9 It is essential that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire Vehicle.
- 3.10 Hackney Carriage Vehicles must have signage on the rear passenger doors of the vehicle bearing the Huntingdonshire District Council logo and the words 'Licensed Hackney Carriage'. They must also display a blue identification plate on the rear of the vehicle and a blue windscreen notice bearing the licence plate number. They will have a roof sign on the top of the vehicle
- 3.11 Private Hire Vehicles must have signage on the rear passenger doors of the vehicle bearing the Huntingdonshire District Council logo and the words 'Private hire vehicle – insurance invalid unless pre-booked with operator'. They must also display a yellow identification plate on the rear of the vehicle and a yellow windscreen notice bearing the licence plate number. They will not have a roof sign or any signs that include the words 'taxi', 'cab', 'taxicab' or 'for hire'.
- 3.12 Signage must be either permanently or magnetically fixed to the vehicle door. The external licence plate must be securely fixed to the outside of the vehicle, no temporary fixing is allowed. All signage must be displayed on the vehicle at all times when in use as a Private Hire. Hackney carriage signage and livery must be displayed on the vehicle at all times whether in use or not. The signage and plates will be provided by the Licensing Authority for a fee.
- 3.13 All plates remain the property of the Council. All expired plates must be returned to the Council.
- 3.14 Further details of signs, notices and advertising on vehicles can be found within the Hackney Carriage and Private Hire Vehicle licence conditions. These can be found in Annex 2.

## **Age policy**

- 3.15 The Council has a maximum age policy restricting the maximum age on the grant of a Hackney Carriage and Private Hire vehicle on **first DVSA application to five years**. There is no upper age limit for when we would no longer licence a vehicle as long as the vehicle meets the relevant criteria. **Hybrid/Electric/LPG vehicles will be subject to a maximum age policy of seven years after first DVSA registration**

## **Insurance**

- 3.16 It is the responsibility of proprietors, operators and drivers to ensure that they are properly insured at all times. If drivers work for multiple operators, all parties must ensure that appropriate and valid insurance is in place to avoid an inadvertent criminal offence.
- 3.17 Applications for the grant or renewal of a vehicle licence must ensure the Insurance cover is for the use of the vehicle for either hackney carriage or private hire in line with the licence applied for. The vehicle proprietor and the driver must ensure that valid insurance is maintained at all times during the licensed period. It is considered best

practice for proprietors and or drivers to keep copies of expired insurance policies for a reasonable period of time in case of any retrospective claims.

### **Safety equipment**

- 3.18 All licensed vehicles must have a suitable and efficient fire extinguisher and first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available for immediate use in an emergency. Both the fire extinguisher and first aid kit must be clearly marked with the licensed plate number. All equipment must be stored in a safe and secure manner within the vehicle

### **CCTV in licensed vehicles**

- 3.19 The Licensing Authority recognises the importance of driver and passenger safety and encourages ways to reduce risks such as prepayment of fares, driver screens, radio link schemes and CCTV surveillance systems.
- 3.20 The Licensing Authority does not require enhanced security or CCTV measures to be in vehicles at this time. However the Authority wishes to support the trade in taking sensible measures to protect the drivers and passengers in licensed vehicles and does recognise that there are benefits to the trade and public where CCTV is installed in licensed vehicles. It is therefore left to the judgement of the proprietors, drivers and operators to determine the taking of such measures.
- 3.21 Where drivers, proprietors and operators have considered it appropriate to install CCTV in their vehicles as a safeguarding measure, they must notify the council prior to installation. They must be registered with the ICO and comply with all aspects of data protection and CCTV codes of practice. Further information can be found on the following link <https://ico.org.uk/>
- 3.22 CCTV must be professionally installed to ensure no interference with other equipment, in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers, or affect any other safety system or in any way breach the motor vehicle construction and use regulations. It must be regularly checked and maintained, be openly overt and the vehicle must display the required signage.
- 3.23 CCTV must not be used to record conversations of the travelling public as it is highly intrusive. Some systems have a driver panic button which if activated does record sound, this should only be used in extreme circumstances, such as in response to any disagreements or arguments between driver and the passengers, any situations of verbal abuse or any threat of physical violence.
- 3.24 The Licensing Authority reserves the right to amend CCTV specification from time to time as the need arises, having regard to changes in technical standards, case law, national policy or any other circumstances that make it reasonable to amend the current specification.

### **Maintenance of vehicles**

- 3.25 Licensed vehicles have high usage and mileage and it is in the public interest, as well as the drivers, to ensure that vehicles are properly maintained.
- 3.25 The Council expects commitment from drivers and operators to ensure that a planned

preventative maintenance programme is undertaken on vehicles.

### **Vehicle testing**

- 3.27 The Licensing Authority must be satisfied that vehicles which are licensed by them are safe to operate as a hackney carriage or private hire vehicle.
- 3.28 Prior to licensing any vehicle, it must have passed an enhanced test at the Council's appointed testing station.
- 3.29 Once a vehicle has passed this enhanced test and provided all required documentation, a Certificate of Compliance (CoC) will be issued. A CoC replaces the need for an MOT but an MOT may also be issued
- 3.30 The licensing authority may appoint a currently registered MOT station(s) as an Appointed Testing Station(s) who will conduct the tests on its behalf. The authority reserves the right to limit the number of approved garages.
- 3.31 It is the vehicle proprietor's responsibility to ensure all testing and application procedures are adhered to. Proprietors and or drivers must make sure they organise the tests sufficiently in advance to ensure that the vehicle remains compliant with the vehicle testing and licensing requirements set out in the conditions.
- 3.32 Licensed vehicles that fail an authorised examination and test and are deemed non-compliant by the examiner will result in the vehicle proprietor being invited to re-test the vehicle. If a licensed vehicle fails, then it must not work until a compliance test has been passed. Re-tests will only be undertaken in accordance with DVLA M.O.T retest procedures see the website; - <https://www.gov.uk/getting-an-mot/retests> (updated May 2018).

### **Accidents/Accident replacement vehicles**

- 3.33 Proprietors of licensed vehicles are required to inform the Authority as soon as possible and at least **within 14 calendar days**, of any accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers carried. Failure to report an accident within the given timeframe may lead to the suspension or revocation of a licence. Proprietors must also present the vehicle to the Licensing Team for inspection, if requested.
- 3.34 A Council accident report form must be completed and submitted it to the licensing team,
- 3.35 In the case of a replacement vehicle for a temporary period following an accident, vehicles must first be passed as fit for service by the Council's appointed testing station and must meet all the other requirements and standards applicable. Depending upon the nature of the damage, the Licensing Authority retains the right to have the repaired vehicle inspected at the testing station or examined by a Licensing Officer at an officer's discretion.
- 3.36 **Where a vehicle, plate or doorsigns are lost or stolen it must be reported to the Licensing team within 7 days and a crime reference number must be provided.**



### **Vehicle inspections**

- 3.37 Licensed vehicles must at all times, be kept in a safe, tidy and clean condition. Compliance with the vehicle specifications and conditions of licence are essential and will be enforced by periodic and/or random vehicle inspections by authorised officers of the Council.

### **Taximeters and fares**

- 3.38 All hackney carriages licensed by this Authority must have a working taximeter fitted in the vehicle. The meter must be calendar controlled and set to a rate which never exceeds the current tariff as set by the Licensing Authority.
- 3.39 The taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is compliant. The certificate issued must be available for inspection and the vehicle seals must be intact at any time that the vehicle carries a licence plate, except when at an approved installers premises.
- 3.40 Meters must meet the London Taxi and Private Hire Specification.
- 3.41 A table of authorised fares must be displayed in each vehicle so that it is easily visible to all hirers.
- 3.42 When a hackney carriage is undertaking a journey within district, the fare demanded cannot be more than that shown on the taximeter. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged. If the journey commences at a hackney carriage stand, but will end outside the district, that must be charged at the metered rate unless an agreement was made for a higher charge before the hiring commenced. The charges levied by hackney carriage vehicles operating outside of Huntingdonshire District Council area, do not have to be subject to the licensing authority's control and form a private contract between the hirer and the operator.
- 3.43 The Licensing Authority cannot set fares for private hire vehicles and these are a matter for agreement between the operator and the hirer.

### **Transfer of ownership of the vehicle**

- 3.44 If a proprietor wishes to transfer ownership of a licensed vehicle, they must provide full details of the new owner of the vehicle as soon as practically possible, and in any case within **14 calendar days**. A proprietor who fails to give such notice, without reasonable excuse, is guilty of an offence.

### **Accessibility and Equality**

- 3.45 All drivers will be required to be trained in accessibility and equality as a part of the application process. A provider will be determined and further details will be added to this section.
- 3.46 The Licensing Authority takes all complaints of discrimination seriously and will have due regard to its duty to eliminate discrimination, along with the provisions of the Equality Act 2010, when considering the fitness of an individual to hold a Hackney Carriage or Private Hire licence, be it driver, vehicle or operator.

- 3.47 All new hackney carriages above plate 44 must be wheelchair accessible vehicles (WAV's) and are designated as such. The Licensing Authority will apply any specification for such vehicles as may be provided by regulations under the Equality Act 2010. There is not the same requirement for private hire vehicles to be wheelchair accessible. Existing hackney carriage plates 1-44 also retain protected grandfather rights to use saloon style vehicles provided the licence remains in continuous use. If a renewal application is made late and the licence lapses, the grandfather rights will be lost and a new application for a new WAV vehicle will need to be made.
- 3.48 As Hackney Carriages pick up passengers from ranks and the roadside, all new licensed Hackney Carriages must be side or rear loading.
- 3.49 Licensed drivers must not impose extra charges for conveying persons with disabilities or assistance dogs.
- 3.50 The Equality Act 2010 places certain duties on licensed drivers to provide assistance to people in wheelchairs and to carry them safely. There are similar requirements on drivers in relation to the passengers with an assistance dog. Drivers or operators cannot charge extra or refuse to carry such passengers unless they have applied for and been issued an exemption certificate. Further information on exemption certificates can be found in sections 3.54 – 3.64.
- 3.51 Drivers must be appropriately trained in the use of relevant belts and other restraint locking mechanisms to ensure the safety of their passengers in the vehicle. It is the driver's responsibility to ensure that they understand fully how to use the equipment.

#### **Exemptions, weddings and funeral vehicles**

- 3.52 The DfT issue guidance regarding the types of activities that may require licensing. In general, the following are not currently considered to require licensing. However should DfT guidance change, this authority will reserve the right to amend the information and guidance within the policy
- Child minder vehicles
  - Care transport workers
  - Volunteers
  - Ambulances
  - Courtesy Cars
- 3.53 Vehicles owned by funeral directors that are used wholly or mainly for the purposes of funerals are exempt from the requirement to be licensed.
- 3.54 Vehicles used in connection with a wedding are exempt from the requirement to be licensed.

#### **Private hire exemption to display licence plate etc**

- 3.55 The displaying of the external identification plate on a licensed vehicle and a drivers badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to assist with public safety issues.
- 3.56 However there are occasions when the requirement to display an external identification plate may have the opposite effect in the terms of customer safety and could have

commercial implications for the operating business. The display of local authority licence plates may also deter some corporate customers from using the service; and in some cases the identification of the vehicle as licensed may allow “high risk” passengers to more readily be targeted putting both them and the driver at risk.

- 3.57 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver’s badge. The same legislation also allows Huntingdonshire District Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver’s badge. The ability to exempt a vehicle from displaying the licence plate only applies to private hire vehicles, and any authorisation from the Licensing Authority is vehicle specific.
- 3.58 It is not intended that a significant number of private hire vehicles licensed by the Council will be exempt from the council's requirement to display an external vehicle identification plate, however the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.
- 3.58 Applications for the exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met;
- a. Vehicle models must be either four door saloons, or five door estates or five door hatchbacks and people carrier type vehicles.
  - b. Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as “S” and “E” Class Mercedes-Benz, 7 Series BMW, Lexus “GS” or “LS” models, Audi A8 Series, Jaguar, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered). This list is not exhaustive and consideration will be given on a case by case basis.
  - c. The vehicle must at all times be in pristine condition with minimal defects, dents or blemishes to the external bodywork or internal trim and seating.
  - d. The type of work to be undertaken must be “executive” in nature. This means that the vehicle is used specifically and exclusively to provide transport under a written contract to companies or individuals, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable. Proof of contract will be required as part of any request for plate exemption
- 3.60 Vehicles which have been issued with an exemption certificate must not be used for general day to day private hire work. Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.
- 3.61 Exempted vehicles must not display any form of advertisements, signage, logos, or insignias including advertising the operating company inside or outside the vehicle.
- 3.62 Operators and proprietors who wish to apply for an exemption certificate must apply in writing, pay the required fee and provide sufficient supporting documentation to establish the vehicle will be solely used for executive bookings. An exemption

certificate will be vehicle specific. Applications for exemptions relating to a fleet of vehicles are not permitted.

- 3.63 There are extra conditions applicable to exempted vehicles, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these extra conditions, then these extra conditions shall prevail. The extra conditions can be found at Annex 3.
- 3.64 If an exemption certificate has been issued and the vehicle will no longer be utilised solely for executive type bookings, the certificate must be surrendered and returned to the council. If the vehicle is still licensed, it must then display the plate and door stickers as required by the conditions for private hire vehicles.

### **Stretched Limousines**

- 3.65 Stretched Limousines are elongated saloon cars, generally used for private hire work and special occasions.
- 3.66 Limousine vehicles that are designed or adapted to carry 8 or less passengers and are used for the purpose of hire and reward are required to be licensed as private hire vehicles and all bookings must be made via a licensed operator.
- 3.67 These are specialist types of vehicles with their own set of special conditions, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then the specialist conditions shall prevail. The conditions can be found at Annex 5
- 3.68 The Council strongly recommends that anyone wishing to purchase and licence a limousine, contacts the licensing team prior to purchase, to ensure that the vehicle will meet the conditions. Applications will be treated on their individual merits.

### **Limitation of vehicle numbers**

- 3.69 The legal provision on quantity restrictions for Hackney Carriages is set out in the Transport Act 1985, Section 16. Any limit imposed needs to comply with Part 12 of the Equality Act 2010 and any associated regulations in respect of the proportion of the taxi fleet accessible to disabled persons.
- 3.70 Huntingdonshire District Council has not set a limit for the number of Hackney Carriage vehicles it will licence but can reconsider if circumstances change. This ensures that Hackney Carriage and Private Hire vehicles are readily available for passengers in Huntingdonshire district. There are no powers for licensing authorities to limit the number of private hire vehicles.

## **Section 4 - Hackney Carriage and Private Hire Drivers**

### **General**

- 4.1 This Authority has a dual licence for both Hackney Carriage and Private Hire Drivers. The sections below therefore apply equally to Hackney Carriage and Private Hire Drivers unless indicated.

- 4.2 Licensed drivers provide an important public service. This Authority will not licence anyone to drive a Hackney Carriage or Private Hire vehicle unless it is satisfied that they are a fit and proper person and are not disqualified by reason of their immigration status.
- 4.3 On the grant or renewal of a Hackney Carriage and Private Hire Vehicle Drivers licence, the Licensing Authority can attach such conditions as it considers reasonably necessary. Conditions for Hackney Carriage and Private Hire Vehicle Drivers licences can be found at Annex 1.
- 4.4 This Authority generally grants Drivers licences for a duration of three years, although it may exercise discretion and issue a licence for a shorter duration if it considers this to be reasonable given the individual circumstances e.g. immigration status/ right to work in the UK.
- 4.5 If a licensed driver fails to submit a complete application to renew by the date of expiry of the licence, they will be required to apply as a new driver and meet all the requirements. The Council will only consider a late renewal in exceptional cases R (on the application of Exeter City Council ) v Sandle [2011] LLR480, in which case the renewal date will be from the date of expiry of the previous licence.

#### **Fit and proper**

- 4.6 There is no specific definition of 'fit and proper' in legislation or case law, but as noted at paragraph 1.25 above, this Council uses the term "safe and suitable" to explain what is meant by fit and proper. In determining whether a person is safe and suitable, the Council will take account of all relevant matters including (but not limited to) documentary evidence, practical criteria and testing mechanisms.
- 4.7 Bad, foul or abusive language by applicants or licensees will not be tolerated. Behaviour of a rude or abusive manner at any stage of the application process will call into question an applicant's 'fit and proper' status and may result in their application being refused.

#### **Suitability of driver**

- 4.8.1 Licensed drivers will come into contact with vulnerable people, drivers are expected to assist passengers with luggage, shopping etc, they will be driving for prolonged periods of time, and will have access to sensitive information, therefore the council must fully assess an applicant's suitability prior to and after issuing a licence.
- 4.9 Consideration of safety and suitability includes consideration of the whole person; their character and patterns of behaviour and is not limited to incidents which occur whilst the driver is 'on duty'. Conduct or behaviour which may indicate that the safety and welfare of the public may be at risk will also be taken into account when assessing their safety and suitability. The onus is on the applicant or licensed driver to satisfy the Council that they are and remain a 'fit and proper' and safe and suitable person.

#### **Vehicle driver licences**

- 4.10 Applicants must be over 18 years of age and must have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the

European Economic Area (EEA) for at least 12 months. Exchangeable driving licences will also be accepted when a person has not resided in the UK for 12 months, but must be exchanged for a UK licence after 12 months residence

- 4.11 This Authority requires drivers to notify the council of any significant changes which occur after their licence has been granted. This includes change of name or address, email address or telephone number, change of immigration status, changes in physical or mental health which may affect driving ability, all convictions cautions or warnings, DVLA penalty points, or any other matter which may question a driver's fit and proper status. This includes any actions taken by other licensing authorities.
- 4.12 All licensed drivers must wear their drivers badge whilst working as a licensed driver. Failure to comply is an offence under the 1976 Act and the byelaws. The driver's badge remains the property of the Council and all expired, surrendered or revoked badges must be returned.

#### **Eligibility to live and work in the UK**

- 4.13 This Authority will only issue licences to individuals who have a legal entitlement to live and work in the UK.
- 4.14 Proof of the right to live and work in the UK must be provided by the applicants in accordance with Immigration legislation. As a part of the application process, individuals are required to present original documentation for verification and copies will be made and retained on file. The Home Office has produced Guidance which details the documents that can be used. A link to the Guidance can be found here: <https://www.gov.uk/topic/immigration-operational-guidance>
- 4.15 If an individual is not a UK or EEA national then they will need to obtain permission to live and work in the UK.
- 4.16 Individuals may have a permanent or temporary right to live and work in the UK. Licences will not be issued for a period any longer than the permission given to live and work in the UK.
- 4.17 This Authority will work in conjunction with the Home Office or its appointed agents to ensure immigration offences are minimised. This Authority may exercise discretion to grant or renew a licence, or suspend or revoke an existing licence if an individual is found to be living or working in the UK without the relevant authorisation (driver and operator licences granted after 1<sup>st</sup> December 2016 lapse if the right to remain or work in the UK is lost and no action is necessary on the part of the Council).

#### **Disclosure and Barring Service (DBS), Convictions, cautions and other related matters**

- 4.18 Under the Town and Police Clauses Act 1847, or under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976, a council may require an applicant for a licence to submit any information that they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.
- 4.19 An enhanced DBS certificate is a mandatory requirement for an applicant for a drivers licence and is an important element used by this Authority to ascertain whether or not the person is fit and proper to hold a licence.

- 4.20 An enhanced DBS check will be required upon application. The DBS check must be dated no more than two months prior to the application/renewal date. This check will detail any criminal convictions and cautions, including those that are spent and other relevant information which will be taken into account.
- 4.21 This Authority requires applicants to join the DBS Update Service.
- 4.22 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction would be regarded as 'spent' and would not normally require disclosure of that conviction. However the Act has been amended to add Hackney Carriage and Private Hire drivers to the list of 'excepted occupations'. This means that applicants must disclose all previous convictions for any offences, and there are no 'spent' convictions in relation to hackney carriage or private hire drivers. Only protected convictions or protected cautions can be withheld (see the application form for details).
- 4.23 The existence of a criminal conviction, caution or warning does not necessarily preclude an applicant from obtaining a driver's licence. Conversely, the absence of any convictions or cautions does not mean that an applicant will be licensed. Each application will be determined on its own merits.
- 4.24 Existing licence holders must disclose all new convictions, cautions or warnings including driving convictions, police warnings and reprimands, cautions, community service orders, restraining orders, fixed penalties and any other matters to the licensing authority, in writing within 7 calendar days.
- 4.25 Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensee if there is a 'pressing social need'. This ensures that where there is a public protection risk, the police will pass information onto a regulatory body to allow swift actions to mitigate any serious safeguarding risk.
- 4.26 If it comes to the attention of the Council that a licensed driver has failed to notify the council of relevant matters which occur during the licence period, this will be taken particularly seriously. It shows a propensity towards dishonesty and questions the safety and suitability status of the licence holder.
- 4.27 This authority will make use of the national refusals and revocations register ( NR3) in that it will record any licences refused or revoked at any time and will check any new applications for inclusion on the register

#### **Certificates of Good Conduct**

- 4.28 Applicants who have worked or have been resident overseas in the 5 years preceding the date of application must obtain a certificate of good conduct from the relevant embassy or consulate covering that period.
- 4.29 The certificate of good conduct must be authenticated, translated and sealed by the relevant embassy or consulate.
- 4.30 Any costs associated with obtaining a certificate of good conduct are the responsibility of the applicant or driver.

## **DVLA**

- 4.31 As driving is the predominant aspect of a licensed driver, the council needs to ensure that applicants hold a valid driving licence and to ascertain whether the licence holder has been issued with any penalty points.
- 4.32 This Authority will carry out a check of DVLA records to ensure that the information submitted by the applicant is in accordance with the information held by the DVLA.
- 4.33 Applicants are therefore required to complete a DVLA mandate form on application and at three yearly intervals thereafter to permit the Council to access their driving record. The mandate and DVLA result will be retained and recorded.
- 4.34 Consideration of penalty points and driving offences will be made in accordance with the guidelines relating to the relevance and treatment of convictions available on request from the Licensing Team or on the Council website. This can be found at Annex 7.

## **Medical Requirements**

- 4.35 As it is essential that licensed drivers are in good health, applicants are required to undertake a medical examination on first application and at certain times thereafter (see paragraph 4.38 below). This is necessary because the Council must be satisfied that licensed drivers are sufficiently healthy to undertake the tasks expected of them.
- 4.36 In acknowledging the importance of a driver's good physical and mental health in protecting the public, this Authority requires that all new and renewal drivers meet the DVLA Group 2 medical standards.
- 4.37 The DVLA group 2 medical is a recognised national standard developed by DVLA for bus and lorry drivers. The DVLA, The Royal Society of Medicine and the DfT recommend and consider it best practice for licensed drivers (hackney carriage and private hire) to be subject to the DVLA group 2 medical requirements.
- 4.38 Medicals are required for all new applicants and also every 6 yrs. (to coincide with the renewal of licence) thereafter. On reaching the age of 65 medicals are required annually thereafter. For new applicants the medical must be no older than four months at the time of submission with the relevant application. Applicants must pay any fees to the registered medical practitioner for completing the medical and report.
- 4.39 The medical examination must be undertaken by a registered general practitioner licensed to practice in the UK or registered within the EU, and will preferably be the applicants own GP. The Group 2 medical report must be submitted with the application, to enable the council to consider their fitness to hold a licence. **Where a medical is not completed by the applicants own GP full medical records must be provided to the GP undertaking the medical assessment**
- 4.40 If, once licensed, a driver's medical circumstances change during the period of the licence, the driver must notify the Licensing Authority within 7 calendar days. If there is any doubt as to the medical fitness of an individual, this Authority may require the



individual to undergo a further group 2 medical examination by their GP or an approved practitioner at the drivers' own expense. Each case will be assessed on its individual merits. This includes any deterioration in physical or mental health which may affect a driver's ability to drive or complete tasks required of a licensed driver.

4.41 **Operators that are not licensed drivers with HDC will be required to undertake the approved HDC safeguarding course at time of application or renewal for existing operators**

**Local Knowledge and Competency test**

- 4.42 Hackney Carriage and Private Hire drivers need a good working knowledge of the district and surrounding area, because vehicles can be hired immediately, directly with the driver at hackney carriage stands or on the street for Hackney Carriages and by prior booking through a Private Hire Operator in the case of Private Hire Vehicles. All applicants must first complete and pass the Council's hackney carriage and private hire driver's local knowledge and competency test.

**Driving Proficiency**

- 4.43 This Authority needs to be satisfied that a driver's driving ability is competent and of a sufficiently high standard to safely and comfortably convey members of the public. In addition to the mandatory DVLA driving licence, it is therefore a requirement that a further appropriate formal driving qualification be undertaken and obtained for all new applicants and for cases where there are serious concerns as to the fitness of an existing driver to hold a licence due to driving problems a list of approved assessors is available on the Council website.

**Council Byelaws**

- 4.44 Hackney Carriage Drivers are subject to the Council's Byelaws and breach of these is a criminal offence. The Byelaws can be found at Annex 6

**Code of Conduct**

- 4.45 This Authority considers that the Hackney Carriage and Private Hire trade is a key front line transport service for residents and visitors to our district and has set down the standards which must be adopted in maintaining a safe, professional and efficient approach to transport members of the public. The standards of behaviour are set out in the licence conditions and should be read in conjunction with the other statutory and policy requirements set out in this document.
- 4.46 This Authority and the travelling public expect licensed drivers to provide good customer service and to behave in a civil and courteous manner. They are expected to be clean and smart in their appearance. The vehicle must also be clean, presentable and roadworthy. They are expected to provide reasonable assistance with luggage or shopping and provide a written receipt if requested with no extra charge. Arrive at the appointed time and not prolong any journey. As professional occupational drivers, they are expected to drive with consideration to their passengers, other road users and local conditions.
- 4.47 Drivers must not operate any equipment which may distract them whilst driving.

Drivers must not cause annoyance to passengers during the journey by playing music or constantly talking on a hands free mobile phone.

- 4.48 Drivers must be aware of their obligations under the Equality Act to provide a service and assistance to passengers with mobility problems, disabilities and to take assistance dogs, without extra charge.
- 4.49 This Council condemns discriminatory behaviour which is harassing, racist, religiously motivated, homophobic, sexist, or in any way offensive to disability or gender. Complaints of this nature are taken particularly seriously. The Council does not however have any power over passengers who use licensed vehicles. Drivers who experience any of the above behaviour should report it to the police.
- 4.50 Licensed drivers must ensure that they fully consider the safety of the passenger, other road users, parking restrictions, street furniture and other hazards when stopping to allow a passenger to alight the vehicle.
- 4.51 Licensed drivers have a duty to make a conscious decision to take regular rest periods, to ensure their own safety and the safety of the travelling and general public. Licensed drivers must not drive if they are taking medication which impairs their judgement or driving ability.

#### **Complaints against drivers**

- 4.52 In the interests of public safety, this Authority has a duty to ensure that licensed drivers remain fit and proper as well as safe and suitable and will intervene where appropriate. Complaints made to the Council are recorded and monitored.
- 4.53 Where serious complaints which question a driver's fit and proper status are received, they are investigated and appropriate action is taken. Similarly, the accumulation of several complaints of a less serious nature about the same driver could highlight that there is cause for concern. Each case will be considered on its individual merits. Where this occurs it may be necessary to contact the driver concerned and/ or proprietor or operator. The driver may be asked to attend the council offices to determine an appropriate course of action that reflects Huntingdonshire District Councils Corporate Enforcement Policy. This could be that no action is required, or that appropriate enforcement action needs to be undertaken.

#### **Equality Act requirements and Exemption certificates**

- 4.54 This Authority has implemented Sections 165 and 167 of the Equality Act 2010, which sets out the duties placed on drivers of designated WAV's, which are:
- To carry the passenger while in the wheelchair;
  - Not to make an additional charge for doing so;
  - If the passenger chooses, to sit in a passenger seat to carry the wheelchair;
  - To take such steps as are necessary to ensure the passenger is carried in safety and reasonable comfort; and
  - To give the passenger such mobility assistance as is reasonably required.

Mobility assistance means providing assistance:

- to enable the passenger to get into or out of the vehicle
- if the passenger wishes to remain in the wheelchair. To enable the passenger to get into and out of the vehicle while in the wheelchair;
- to load the passenger's luggage into or out of the vehicle;

- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle

Sections 168 and 170 of the Equality Act 2010 also lays out requirements for the conveyance of assistance dogs:

- To carry the disabled person's dog and allow it to remain with that person
- Not to make any additional charge for doing so.

- 4.52 The driver will commit an offence if they fail to comply with the above duties  
Drivers who refuse to or fail to take assistance dogs without an exemption certificate may be prosecuted by the passenger and may be subject to enforcement action by the Council, including prosecution or revocation of a licence
- 4.53 All new driver (and operator) applicants will be required to undertake mandatory safeguarding training as prescribed by the licensing authority before submitting an application. Existing drivers will also be required to undertake mandatory training and will have a period until 31 March 2021 to complete the training. A licence will not be renewed if the training has not been completed within this timeframe.
- 4.54 Drivers may apply in writing for an exemption certificate if a medical condition or disability or physical condition makes it unreasonably difficult for them to provide the sort of physical assistance these duties require, or provide physical assistance to passengers in wheelchairs or if they are unable to convey assistance dogs due to a medical condition which is aggravated by exposure to dogs..
- 4.55 The Council will only consider exemption applications which are accompanied with a medical report signed by a specifically trained professional that is independent of the applicant i.e. a registered medical practitioner or independent Occupational Health practitioner. The period of the exemption certificate will be individually determined based on the medical practitioner's recommendation. The Council may request applicants to be assessed by the council's professional qualified medical assessor, particularly where the period of exemption is likely to be long term.
- 4.56 Where an exemption application has been considered and approved by the Council, the driver will be issued with an exemption certificate and an exemption notice. The exemption notice must be displayed in the vehicle on the nearside of and immediately behind the windscreen of the vehicle, in a manner that readily permits its removal, so that its front is clearly visible from the outside of the vehicle and its back is clearly visible from the driver's seat of the vehicle, when driving. The exemption notice must be removed prior to another licensed driver driving the vehicle. Failure to display the notice could leave the driver open to prosecution, if they do not then comply with the requirements of the Equality Act. Only one exemption notice should be displayed in a vehicle at any one time.
- 4.57 If an exemption application is refused, the applicant will be informed in writing providing reasons for the decision to refuse. Applicants who have been refused an exemption can appeal to the Magistrates Court within 21 calendar days.
- 4.58 Drivers who have been issued with an exemption certificate must inform proprietors or operators that they have the exemption, to avoid any unnecessary distress or delay to passengers.

- 4.59 Licensed drivers of designated WAV vehicles who fail to comply with the duties under the Act will be subject to enforcement action. Drivers who are the subject of complaints or who are convicted of failure to comply with this section are unlikely to be considered a 'fit and proper' person.

#### **Idling offence - environmental impact**

- 4.60 Drivers are reminded that stationary idling is an offence under section 42 of the Road Traffic Act 1988.

#### **Plying for Hire – Private Hire Vehicles**

- 4.61 If a private hire driver is parked and is approached directly by a member of the public, the driver must refuse to carry the passenger unless and until a booking has been made by the passenger, or someone acting on the passengers behalf who is not the driver, with the operator. A driver commits an offence under s45 Town Police Clauses Act 1847, if they take an active part in the 'booking' process, eg by contacting the operator directly by radio or mobile phone to make that booking for his own vehicle there and then.

#### **Hackney Carriage drivers**

- 4.62 Hackney Carriage drivers waiting on taxi ranks, generally operate a first in the queue system. When a customer approaches, the taxi at the front of the rank will expect to take that passenger. Whilst this etiquette generally works without incident, drivers are advised that the customer may, for whatever reason, choose not to take the first taxi at the rank.
- 4.63 Drivers who, whilst waiting on a rank, refuse or neglect to accept a fare without reasonable cause are committing an offence.
- 4.64 A driver must not leave a Hackney Carriage vehicle unattended on a rank for whatever reason. Hackney carriage ranks are solely for hackney carriages to wait for the next hiring.

### **Section 5 - Operators**

#### **General**

- 5.1 Any person who operates a Private Hire service (who is not a Hackney Carriage Proprietor who permits Hackney Carriages to be used for pre-booked hackney carriage work) must apply to the Licensing Authority for a Private Hire Operator's Licence. The legislation requires any person, who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle, must be licensed as a private hire operator. The aim is to promote the safety of the public using the operator's premises, vehicles and drivers arranged through them.
- 5.2 A Private Hire vehicle can only be dispatched to a customer by a Private Hire Operator who holds an operators' licence. The licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle. The acceptance of bookings may be provided for by a variety of methods, such as, in person, by telephone, text, email, internet, smart phone app, in writing, or by any other communication means.

- 5.3 The legislation requires the authority to only licence operators who are considered to be fit and proper to hold an operator's licence and who are not disqualified by reason of their immigration status, **All operators that are not a licensed driver with HDC will be required to undertake our approved safeguarding course.**
- 5.4 A Private Hire operator must ensure that every Private Hire vehicle is driven by a person who holds a Private Hire driver's licence.
- 5.5 All work undertaken by private hire vehicles (and drivers), must be pre-booked via a licensed operator. All three licences (private hire vehicle, private hire driver and operator) must be issued by the same Licensing Authority. Operators will be committing an offence if this provision is not strictly adhered to.
- 5.6 An operator's licence is usually granted for a five year duration, but may be granted for a lesser duration if requested to do so in writing or if the applicant's immigration status limits it to a shorter duration.
- 5.7 Proof of the right to live and work in the UK must be provided by the applicant in accordance with Immigration legislation. As a part of the application process, individuals are required to present original documentation for verification and copies will be made and retained on file. The Home Office has produced Guidance which details the documents that can be used. A link to the Guidance can be found here: <https://www.gov.uk/topic/immigration-operational-guidance>
- 5.8 There is no provision within the legislation to transfer an operator's licence. New applicants must be subject to the fit and proper test and new premises must also be assessed for suitability.
- 5.9 An operator's licence cannot be issued to persons who do not have the right to work in the UK. A licence lapses (i.e. is no longer a valid licence) if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies, the person must immediately cease to operate and return their operator's licence to the council within 7 calendar days.
- 5.10 Licensed operators can accept bookings and can subcontract these bookings, but only to another licensed operator. However, the operator who accepted the initial booking remains responsible for that booking.
- 5.11 Operators are required by law to keep a record of bookings and records relating to each and every vehicle operated by the operator. Records of bookings must be made before the commencement of the journey. This includes records of all journeys that are subsequently sub-contracted to another operator, as well as those received as a sub-contract from another operator. All such records must be made available to an authorised officer for inspection.
- 5.12 The Licensing Authority has power to impose such conditions on an operator's licence, as it considers reasonably necessary. Huntingdonshire District Council's Schedule of Conditions for Operators is available on request from the Licensing Team or on the Council website. This can be found at Annex 4.
- 5.13 Licenses for Private Hire operators will only be granted to Operators with a base situated within the Huntingdonshire District boundaries, satellite offices will also only

be licensed within the district boundaries.

#### 5.14 Operators must provide proof of right to occupy a premises if classed as non-domestic

#### 5.15 Operators at time of application will be required to provide proof of registration with the Information Commissioner's Office for data protection.

##### **Suitability of applicant**

- 5.16 Operators are generally the owners of the private hire business. They have access to private information, are responsible for ensuring they only utilise properly licensed, insured and safe vehicles and drivers.
- 5.17 The council requires applicants to complete the application and submit it with the appropriate fee, and supporting documentation, which will be used to decide whether the applicant is a fit and proper person to hold an operator's licence.
- 5.18 As Operators have access to personal information and to promote public safety, before an application for a Private Hire Operators licence will be considered, Operators that are existing drivers will undertake enhanced DBS checks in accordance with the requirements of their Hackney Carriage and Private Hire Driver's licence.
- 5.19 All new Private Hire Operators must submit as part of the application process a basic DBS disclosure, less than 2 months old, if they are not already a licensed driver. The Council will require a further basic DBS disclosure on renewal of a Private Hire Operators Licence, dated within two months from the date of application.
- 5.20 The legislation does not allow the Council to grant a licence to an operator whose premises are located outside our area. Existing operators already holding an Operator's licence beyond the boundary of the district will be permitted to continue under grandfather rights provided the licence remains in continuous use. If a renewal application is made late and the licence lapses, the grandfather rights will be lost.

##### **Suitability of premises**

- 5.21 When considering an application for an operator's licence at a new premises, consideration will be given to the location, the vicinity, facilities, parking arrangements, etc to ensure that the grant of a licence will not negatively impact on the surrounding area, including businesses, residents and the general public.
- 5.22 Operators intending to operate from new premises must satisfy themselves that they have obtained any relevant planning permission, or confirmed that planning permission is not required. Where planning permission is required, operators must comply with any condition attached to such permission. Whilst any breach of planning legislation will be enforced by the planning department, it may also be used in consideration of an operator's fit and proper status. The grant of an Operator's licence will not imply that planning consent has been given.

- 5.21 If the business is in a Council property, Housing Association or rented privately, any applicants should seek the written permission from the landlord to operate a private hire business from the premises.
- 5.22 Where the operator has premises open to the public, the operator must ensure that they have taken out Public Liability insurance.

### **Operators' responsibilities and obligations**

- 5.23 The responsibility for applying to renew an Operator's licence, and to ensure that all documentation, checks and associated criteria is up to date, rests solely with the licence holder. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 5.24 This Licensing Authority will only accept complete applications comprising all the necessary information and documentation. A late application (i.e. one made after the expiry of the current licence), or an incomplete application which is not rectified before the expiry of the current licence is a new application, not a renewal and all formalities connected with a new application must be in place before any such application is processed. Late or incomplete applications may render an operator being unlicensed for a period of time during which they will be unable to work as a licensed operator.

### **Record keeping**

- 5.25 The Local Government (Miscellaneous Provisions) Act 1976, S 56 (2) requires Operators to keep records of each booking. Information must include the date and time of the booking, the name of the hirer, how the booking was made, the date, time and point of pick-up, the destination, the name and badge number of the driver and the licence number of the vehicle allocated and any other remarks e.g. reference to contract or sub-contract work. Records can be kept in a suitable book or on a computer or any other recordable device and be available for inspection at the address licensed by the Licensing Authority. If using a book the pages must be numbered consecutively. Records must be retained for a period of not less than six months.
- 5.26 If an operator subcontracts a booking to another licensed operator, both operators must keep a record of the booking. The operator who accepted the initial booking remains fully responsible for that journey even though it has been subcontracted to another licensed operator. The initial operator must record the checks they made to ensure that the operator they passed the booking onto is correctly licensed.
- 5.27 Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licenses the operator and driven by a driver also licensed by that same authority.
- 5.28 The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross border hiring. The legislation permits these bookings and the council cannot get involved in these private hire contracts. Operators should aspire to ensure that their drivers and vehicles provide the highest standard of service, so that they are the operator of choice.
- 5.29 Operators need to be aware of their obligations when it comes to data protection. Where databases containing personal information, such as records of bookings are maintained electronically or if they have CCTV, they are required to be registered with

the Information Commissioner's Office (ICO). Further information including a self-assessment, can be found on the following links;  
<https://ico.org.uk/for-organisations/register/>  
<https://ico.org.uk/for-organisations/register/self-assessment/>  
<https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>

- 5.30 The Operator must hold records of insurance and licence expiry dates of drivers and vehicles. Journeys allocated to uninsured or unlicensed drivers and vehicles will be an offence.
- 5.31 The Operator must allow an Authorised Officer of the Council access to records required by their licence at all reasonable times.
- 5.32 Operators must make customers fully aware of any additional charges which may be applied, e.g. for waiting time and for cleaning a soiled vehicle. These additional charges must be clearly displayed in the operator's office and website where available.

### **Cleanliness & maintenance**

- 5.33 Operators have a responsibility along with the driver and proprietor to ensure that the vehicles utilised are clean, fit for the purpose of the booking and comply with the conditions applied by this council. It is expected that where operators have a dedicated fleet, they have a planned maintenance programme in place for all vehicles.

### **Sub-Contracting**

- 5.34 Section 55a of the Local Government (Miscellaneous Provisions) Act 1976, inserted by the Deregulation Act 2015, permits Operators licences by the council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed private hire operator holding a private hire licence granted by another licensing authority.
- 5.35 Regardless of which operator fulfils a booking, the operator can only dispatch a vehicle licensed by the same Council that licenses the operator and driven by a driver licensed by that same Council.
- 5.36 Operators that accept a booking remain legally responsible for that booking even if they sub-contract the booking to another Operator and should record the booking as usual and note the fact that it was sub-contracted.

### **Cross-border hiring**

- 5.37 In relation to Private Hire vehicles, the Local Government (Miscellaneous Provisions) Act 1976 permits members of the public to contact and book a private hire vehicle through any licensed Private Hire Operator regardless of the district they are licensed. Private Hire bookings are private contracts between the hirer and the operator and are not a matter for the Licensing Authority to regulate. In this regard, the Act leaves the selection of an Operator entirely to market forces and the freedom of choice to the customer.
- 5.38 The Council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet. They must ensure that no additional costs or charges are levied by them or their drivers for conveying disabled passengers or assistance dogs.



## **Other obligations**

- 5.39 Operators must ensure that only licensed drivers carry out bookings and are appropriately trained for their role. Operators must be able to demonstrate how they will achieve this by way of a policy to include any training (or checks) provided by the operator, customer service company policies and practices, including disability equality.
- 5.40 Operators must be aware of their obligations under the Immigration Act and only utilise persons who have the right to work in the UK. Failure to observe this requirement or to provide due diligence checks may be subject to enforcement action by the relevant Home Office department.

## **Complaints policy**

- 5.41 As responsible business owners, operators will understand that the drivers and vehicles they utilise represent their business when undertaking bookings. Operators will want to ensure good customer service, as this builds a respected reputation, resulting with repeat bookings and a successful business. Where vehicles or drivers fail to provide a good service, the operators business can suffer. Where complaints are received it is expected that the operator will attempt to find an amicable resolution to the complaint without intervention by the Council.
- 5.42 Complainants must be dealt with in a respectful timely manner in an open and transparent way. To ensure this is achieved, operators are required to have a formal complaints policy and procedure which is made freely available to all customers, and maintain records of complaints received.
- 5.43 A copy of the complaints policy and procedure must be given to the council and will be required with all new and renewal applications.
- 5.44 The complaint records must detail specific information, be monitored, and be made available to authorised officers upon request.
- 5.45 The specified information to be recorded must include, where possible the following information as a minimum:
- the name of the complainant and how they can be contacted,
  - the date the complaint was made and the time and date of the journey,
  - If the booking was subcontracted the details of the licensed operator who fulfilled the booking and any action taken by the subcontractor regarding the complaint or concern
  - the name of the driver and vehicle being reported,
  - the nature of the complaint or concern,
  - The date by which the operator will respond to the complaint, which must not exceed 72 hours from time of receipt,
  - The action taken if any, by the operator to resolve the complaint or concern.
- 5.46 Operators must also inform the complainant, that they can further their complaint to the council if they remain dissatisfied with the outcome of their complaint.
- 5.47 If an operator is made aware of a serious complaint concerning the fitness of a driver, they must notify the licensing section immediately or as soon as practically possible and provide details of the actions taken by the operator.

## **Section 6 - Safeguarding**

- 6.1. Safety, security and welfare applies to passengers and licensed drivers.
- 6.2 This Authority is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all our licensed drivers, proprietors and operators to share this commitment.
- 6.3 Safeguarding is the process of protecting children, adults at risk and the general population from harm, preventing impairment to their health and development, which includes keeping them safe from neglect and physical, emotional and sexual abuse.
- 6.4 Licensed drivers deal with strangers, they work alone often late at night, carry cash and may be at risk of violence, non-payment of fares, verbal abuse etc. Proprietors and operators must consider these factors when determining what safeguarding measures should be in place. The council encourages the use of CCTV in licensed vehicles, but has not made it a condition of licences due to the financial burden involved. However, proprietors and operators should consider the benefits of safeguarding measures such as, CCTV, cashless payment systems, communication systems, etc in licensed vehicles in their risk assessments.
- 6.5 Drivers and operators may refuse to carry any passenger, but only if they have good cause, eg a customer's behaviour or demeanour is threatening, offensive or abusive or has previously refused payment. Where this occurs drivers and operators should keep records of why the service was refused.
- 6.6 All new driver applicants **and operators** will be required to undertake mandatory safeguarding training as prescribed by the licensing authority before submitting an application. Existing drivers will also be required to undertake mandatory training at first renewal to complete the training. A licence will not be renewed if the training has not been completed.

## **Section 7 - Enforcement, Compliance and Range of Powers**

- 7.1 The Council has a responsibility to ensure that all licence holders adhere to the standards and conditions applied by this authority and the legislation. It is recognised that a well-directed, risk based approach to enforcement activity by the Licensing Authority benefits not only the public but also the responsible members of the Hackney Carriage and Private Hire trades.
- 7.2 This Authority will operate a firm but fair disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, this Authority will only intervene where it is necessary and proportionate to do so.
- 7.3 Complaints from the public and/ or any routine enforcement that identifies significant breaches of conduct will be subject to investigation by Officers. .
- 7.4 In addition to the investigation of complaints, the Licensing Authority will also take appropriate action in accordance with our Corporate Enforcement Policy, this policy and the regulators code of practice against licence holders upon receipt of evidence that an offence has been committed. An offence may be a breach of the legislation or

condition imposed on a licence, byelaw, or this policy.

- 7.6 The Council will undertake overt and covert targeted enforcement operations as well as ad hoc compliance checks on licence holders. These operations and compliance checks may be inside and outside normal office hours and may involve partner agencies.
- 7.7 Some breaches of legislation cannot be enforced by the council, but may be enforced where appropriate, by other partner agencies, e.g. the Police, DVSA, the Home Office etc.
- 7.9 There are a range of sanctions and actions which may be taken by the council, e.g. prosecution, suspension, revocation, refusal to renew, formal written warning, caution, verbal warning, advisory letter, note on records and no action. The course of action will depend on the severity of the offence committed, the evidence available and the risk to public safety.
- 7.10 This authority operates a penalty points scheme as explained in the convictions policy.

#### **Prosecution**

- 7.10 Prosecutions will be taken where it is in the public interest.

#### **Suspension of a licence**

- 7.11 Where a licence is suspended, unless suspended under powers of “immediate suspension”, the licensee may appeal the decision to the Magistrates Court and may continue to work until the appeal is determined.
- 7.12 A driver’s licence may be suspended with immediate effect where it is in the interests of public safety to do so. The driver may appeal this decision to the Magistrates’ Court but this will not affect the suspension starting with immediate effect.

#### **Refusal to grant**

- 7.13 This Licensing Authority has the discretion to decide that a licence will not be granted if the vehicle, driver or operator does not meet the requirements of the policy or conditions of licensing. There is a right of appeal to the Magistrates’ Court and thereafter to the Crown Court. In the case of a refusal to grant a hackney carriage proprietors (vehicle) licence, the right of appeal is directly to the Crown Court.

#### **Revocation of a licence**

- 7.14 Where a licence holder has had a licence revoked other than under powers of “immediate revocation” they may appeal this decision to a Magistrates Court and may continue to work until the appeal is determined.
- 7.15 A driver’s licence may be revoked with immediate effect where it is in the interests of public safety to do so. The driver may appeal this decision to the Magistrates’ Court but this will not affect the suspension starting with immediate effect.

#### **Refusal to renew**

- 7.16 This Licensing Authority has the discretion to decide that, especially in the circumstances where a licence is due to expire, it would be more appropriate to refuse

to renew the licence as an alternative to revocation. Drivers have the right of appeal to the Magistrates' Court.

### **Compliance**

- 7.17 For minor breaches of licence conditions this Authority will consider offering advice and guidance to promote compliance or issue warnings as appropriate to the circumstances. A warning may be used for minor, technical or first time transgressions where it may not be in the public interest to prosecute.

### **Complaints, compliments and comments**

- 7.18 Complaints compliments or comments about the licensing service may be made via the Licensing address at [licensing@huntingdonshire.gov.uk](mailto:licensing@huntingdonshire.gov.uk) . All complaints will be investigated and responded to. Should this not resolve your complaint it can be escalated via the corporate complaints policy at <http://www.huntingdonshire.gov.uk/council-democracy/have-your-say/complaints-and-feedback/> or by e-mail at [Huntingdonshire.gov.uk](mailto:Huntingdonshire.gov.uk)

### **Right of appeal**

- 7.19 Where an applicant or licence holder is aggrieved by the Council's decision to refuse to grant or refuse to renew a licence, revoke or suspend a licence, or impose conditions on a licence, the applicant or licence holder has a right of appeal to the Magistrates Court.
- 7.20 Any appeal must be lodged at the Court within 21 calendar days of the applicant/licence holder receiving written notification of the Council's decision. The appeal must state the grounds on which the appeal is based.

## **Section 8 - Fees, Charges and Refunds**

- 8.1 There is a statutory power for the Licensing Authority to charge fees associated with the Hackney Carriage and Private Hire licensing regime. Licences surrendered prior to their expiry, or licences that are suspended or revoked shall not be eligible for a refund.
- 8.2 The licence fees applied by this council are set on a cost recovery basis. They are regularly reviewed and any increase or reduction will be published and consulted upon as required by the legislation.



## **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS CONDITIONS**

**TOWN POLICE CLAUSES ACT 1847 & LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**HACKNEY CARRIAGE /PRIVATE HIRE VEHICLE DRIVERS**

### **SCHEDULE OF CONDITIONS OF LICENCE**

#### **1. INTRODUCTION**

In these conditions, unless the subject or context otherwise requires, “the Council” means the Council of the District of Huntingdonshire, the District shall mean the District of Huntingdonshire District Council, the “driver” means a person holding and acting in accordance with a Hackney Carriage and Private Hire Vehicle Driver’s Licence issued by the Council and “the vehicle” means a hackney carriage or private hire vehicle licensed by the Council.

Words importing the masculine, feminine or neuter genders and any body of persons corporate or incorporate shall be deemed and taken to include all or any of the masculine, feminine and neuter genders and any body of persons corporate or incorporate and the singular shall include the plural and the plural the singular unless the contrary as to gender or number is expressly provided or unless the same is inconsistent with the context.

It is a criminal offence to drive either a hackney carriage or private hire vehicle without having a hackney carriage/private hire driver’s licence. This also applies when a vehicle is being used for social or domestic purposes. Once, licensed the vehicle remains a licensed vehicle for the duration of the licence, and can only be driven by a licensed hackney carriage/ private hire driver.

#### **2. HIRE**

2.1. A driver when plying for hire in a hackney carriage vehicle in any street and not actually hired shall:-

2.2. on arriving at a stand go to the head of the stand if it is empty or if it is not already occupied by the full number of vehicles authorised to occupy it, station the vehicle immediately behind the vehicle or vehicles on the stand so that they face in the same direction;

- 2.3. from time to time when any other vehicle immediately in front is driven off or moved forward, shall move forward so as to fill the space;
- 2.4. remain with the vehicle and be ready to be hired at once by any person when his vehicle is the first or second vehicle on the stand.
- 2.5. The driver shall not by calling out or otherwise invite any person to hire the vehicle which he is using and shall not make use of the services of any other person for such purpose.
- 2.6. The driver shall when standing, plying or driving for hire, wear the badge provided, in such a place and manner as to be plainly and distinctly visible.
- 2.7. The driver who has agreed to be or has been hired to be in attendance with a vehicle at an appointed time and place, shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- 2.8. The driver of a private hire vehicle shall:-
- 2.9. not tout or solicit, on a road or other public place, any person to hire or be carried in his vehicle;
- 2.10. not offer the vehicle for immediate hire whilst the driver is on a road or other public place;
- 2.11. before the commencement of a journey, confirm the passenger's name and destination. The driver shall confirm the fare before the commencement of the journey unless a sealed taximeter, which has been approved by the Council, is used in the vehicle.
- 2.12. When not engaged in a pre-arranged booking, must not park his vehicle in such a position or location on the public highway so as to give the impression to members of the public that the vehicle is available for immediate hire. Public highway means any highway and any other road to which the public has access and includes bridges over which a road passes.

### **3. CONDUCT OF DRIVER**

The driver shall:-

- 3.1 at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
- 3.2 treat all passengers with politeness and courtesy;
- 3.3 take all reasonable steps to ensure the safety of passengers entering, conveyed in or alighting from the vehicle driven by him;
- 3.4 convey a reasonable quantity of passengers' luggage, giving passengers assistance with this to or from the entrance of any building, station or place at which he may take up or set down passengers;
- 3.5 not without the express consent of the hirer, eat or drink in the vehicle;

- 3.6 not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- 3.7 at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
- 3.8 at no time discard litter on to the highway. All litter shall be deposited in an appropriate receptacle.

#### 4. **CARRIAGE OF PASSENGERS**

- 4.1 The driver shall not convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- 4.2 The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.
- 4.3 The driver is to ensure that a disabled person in a wheelchair shall be permitted to hire any hackney carriage licensed by the Council that is specifically constructed or adapted so as to be suitable for carrying passengers in wheelchairs at any designated taxi rank in the district regardless of that person's position in any queue at the rank and the position of the vehicle on the rank.
- 4.4 The driver shall not use the horn to alert a customer on arrival. Besides being an offence it causes significant residential and environmental nuisance. Offenders will be required to undertake appropriate training and a knowledge test at their own expense
- 4.5 Drivers need to be conscious of concerns that women or children might have about being alone with someone they do not know or only have limited knowledge of. It is very important when involved in conversations with passengers that drivers do not ask personal questions. It is wholly inappropriate and unacceptable that questions are asked about a passenger's private life or personal relationships, especially women or children.

#### 5. **ROUTES**

- 5.1. The driver when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

#### 6. **TAXIMETER**

The driver of a hackney carriage shall:-

- 6.1 when standing or plying for hire, keep the meter of the vehicle locking in the position in which no fare is recorded on the face of the taximeter;
- 6.2 as soon as the vehicle is hired and before commencing the journey, bring the machinery of the taximeter into action until the termination of the hiring. The sign bearing the

words "FOR HIRE" shall be operated so that these are not legible by persons outside the carriage as soon as the carriage is hired;

- 6.3 ensure, during the continuance of any hiring, that the display of the fare on the taximeter is not concealed in any manner or by any means and that such display is distinctly and plainly visible and legible to any person hiring or being conveyed in the vehicle;
- 6.4 cause the display of the fare on the taximeter to be kept properly illuminated throughout the hiring;
- 6.5 report immediately to the Council any failure of the taximeter;
- 6.6 not tamper with or permit any person to tamper with the taximeter, with the fittings thereof or with the seals affixed thereto.
- 6.7. Where a taximeter is an item of equipment in a private hire vehicle, the driver shall use the taximeter in a similar fashion to that in a hackney carriage, bringing the taximeter into action when the journey begins.

## 7. **FARE**

- 7.1 The driver of a hackney carriage shall not require for a journey a fare greater than that authorised by the Table of Fares in force within the district in respect of hackney carriages.
- 7.2 The driver of a private hire vehicle in which a taximeter is installed shall not require a fare greater than that shown in the Table of Fares by the private hire operator and approved by the Council. Where a journey is carried out under an agreement with the hirer (a contract of hire) the driver shall not require a fare greater than that which was agreed upon prior to the journey commencing.
- 7.3 The driver shall not wilfully or negligently cause or suffer the Fare Table fixed upon the vehicle to be inverted or detached or altered or the letters or figures on such Table to be in any manner or by any means concealed at any time.
- 7.4 The driver shall not use a hackney carriage in a district under a contract or purported contract of private hire except at a rate of fares or charges not greater than that fixed by the Table of Fares. (Such contract must be made otherwise than with or through the driver of the relevant hackney carriage vehicle which it is plying for hire or waiting at a stand for hackney carriages.)
- 7.5 The driver shall, if required by the hirer, provide a receipt for the fare paid.
- 7.6 The driver of a Private Hire vehicle shall not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a meter and there has been no previous agreement as to the fare, any fare greater than that shown on the face of the taximeter for journeys that begin and end within the district.

## 8. **SIGNS**

The driver shall:-



8.1 Not wilfully or negligently damage the licence number marked on a vehicle or the licence plate and in the case of a hackney carriage the "TAXI" sign attached to the vehicle, to be concealed from the public view or to be so defaced that any figure or material particular is illegible;

8.2 When driving a hackney carriage ensure that the "TAXI" sign attached to the vehicle is illuminated when the vehicle is available for hire but not any other time.

9. **DEPOSIT OF DRIVER'S LICENCE**

A driver who is permitted or employed to drive a vehicle of which they are not the Proprietor shall, before commencing to drive that vehicle, deposit their hackney carriage/private hire vehicle driver's licence with the proprietor or the hackney carriage or private hire operator for their retention by the proprietor of the hackney carriage or private hire operator until such time as the driver ceases to be permitted or employed to drive the vehicle.

10. **PROPERTY LEFT IN VEHICLE**

10.1 The driver of a vehicle shall immediately after termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been left within it

10.2 The driver of a vehicle shall, take any property left in his vehicle and not claimed that day to a local police station within 24 hours of finding it.

11. **CONVICTIONS**

The licensee shall notify the council in writing within seven days of any offence for which he has been convicted whether for criminal or motoring offences including any official cautions and warnings.

12. **CHANGE OF PERSONAL DETAILS**

The Licensee shall notify the Council in writing of any change of name, address or telephone/mobile number, during the period of the licence, within **fourteen calendar** days of the change taking place

13. **RETURN OF LICENCE AND BADGE**

If the driver licence is revoked or suspended the Licensee must return the licence and driver's badge to the Council, when instructed to do so.

14. **SMOKE FREE VEHICLES**

14.1 The Health Act 2006 (Smoke free legislation) requires drivers of hackney carriages and private hire vehicles to ensure that their vehicles remain smoke free at all times, even when the vehicle is not being used for licensed purposes. The law applies to anything that can be smoked. This includes:-

- cigarettes, pipes (including water pipes such as shisha and hookah pipes)

- cigars and herbal cigarettes, electronic cigarettes and vaping products

14.2 Drivers are to ensure that at least two legible no smoking signs are prominently displayed in the vehicle and are clearly visible to passengers...

**Failure to comply with the requirements of this legislation will be a criminal offence.**

15. **ANIMALS**

15.1 Licensed drivers must not refuse to carry an assistance dog, which is specifically trained to accompany their owner, unless the driver has an exemption certificate issued by Huntingdonshire District Council.

15.2 Assistance dogs accompanied by their owners shall be carried free of charge. All vehicles and drivers must comply with the requirements of the Equality Act 2010.

15.3 The driver shall not convey in any licensed vehicle any animal belonging to or in the custody of himself, or the Proprietor or operator of the vehicle. Any animal belonging to or in the custody of any passenger may be conveyed in the vehicle at the discretion of the driver. The driver shall ensure the animal is adequately restrained and kept in such a position so as not to distract the driver or otherwise be a cause of danger or nuisance.

16. **CONVEYANCE OF DEAD BODY**

A driver in whose vehicle a passenger dies shall notify forthwith the Council's Head of Service for Environmental Health that a dead body had been conveyed in his vehicle.

17. **FITNESS OF DRIVER**

17.1 A medical certificate to the group 2 medical standards, signed by a medical practitioner practising in the United Kingdom, shall be produced at the time of the initial application for the licence to confirm that the applicant is fit to be a driver licensed by the Council. Medicals shall be mandatory every 6 years (at licence renewal) until the age of 65yrs thereafter an annual medical will be mandatory

17.2 The driver of a vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause him/her to be a source of danger to the public when driving either at that time or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, "coronaries", high blood pressure, arthritis, mental illness, alcoholism, drug-taking and loss of limb or loss of use of limb.

This list is not comprehensive of all disabilities that must be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

18. **FITNESS OF VEHICLE**

Before commencement of duty a driver shall ensure that:-

- 18.1 The vehicle is licensed in accordance with the Council's regulations;
- 18.2 The vehicle is correctly insured as required by the Road Traffic Act;
- 18.3 The vehicle is in a fit and proper condition to be used as a vehicle licensed to transport members of the public.
- 18.4 The driver is to ensure that the vehicle is clean and mechanically sound, paying particular attention to lights, indicators, tyres and brakes.
- 18.5 All defects which affect the serviceability and performance of the vehicle must be reported immediately to the vehicle proprietor and/or operator for immediate action.

## 19. **ADVERTISEMENTS**

- 19.1 The driver of a vehicle shall not place or allow another to place any printed, written or other matter by way of advertisement on any part of the vehicle.
- 19.2 If the driver receives an objection from a passenger with regard to the operation of a digital in car advertising screen in the vehicle, it is to be turned off immediately.

## 20. **DURATION OF LICENCE**

- 20.1 The maximum period for which a dual driver's licence will be granted is three years (the licensing period). The Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstances e.g. right to work in the UK. The Licence may be renewed and shall remain in force unless suspended or revoked during the licensing period.
- 20.2 The driver shall, prior to the date of the licence expiry, make an application to the Authority for a renewal. If an application is not received by the renewal date the licence will lapse. Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.
- 20.3 Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.
- 20.4 All new applicants to undertake and pass the council approved safeguarding course.
- 20.5 All licensed drivers to undertake the safeguarding course prior renewal of 3 yearly licence.
- 20.6 All new applicants will be required to take and pass the HDC Knowledge Test.
- 20.7 All new applicants are to undertake the Council approved driving test before being granted a licence.
- 20.8 Where complaints of bad driving or serious driving offences are upheld this authority may require a driver to take the test to prove they are fit and proper to hold such a licence. A serious driving offence may include persons who have accrued 9 points for totting up offences within a 12 month period.

- 20.9 Any driver obtaining a Private Hire or Hackney Carriage Driver licence with a foreign EU or exchangeable licence as permitted under the Local Government (Miscellaneous provisions) Act 1976 part II will only be granted a licence for one year. Any subsequent application must be made using a full GB licence.
- 20.10 Applicants from outside of the UK with permissions to undertake Private Hire or Hackney Carriage type work will be required to submit a certificate of good conduct signed and stamped by the relevant embassy. The certificate must be translated into English and delivered as part of the application. This will only apply to applicants who cannot provide a full and continuous 5 year residency in the UK.
- 20.11 All drivers must register for the DBS (Disclosure & Barring Service) update service, and must nominate the Council to receive updates.

## **21. COMPLAINTS**

- 21.1 The driver shall report to the proprietor or private hire operator any complaints made by passengers.
- 21.2 In individual cases where complaints of bad driving or serious driving offences are upheld this authority may require An existing driver to take the test to prove they are fit and proper to hold such a licence. A serious driving offence may include persons who have accrued 9 points for totting up offences within a 12 month period.

## **22. RIGHT OF APPEAL**

Under Section 52 of the Local Government (Miscellaneous Provisions) Act 1976, any person aggrieved by the refusal of the Council to grant a Driver's Licence or any conditions attached to the grant of a Driver's Licence may appeal to a Magistrates Court.

**NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE**



## **Vehicle Licence Conditions – Private Hire & Hackney Carriages**

Pursuant to provisions of the Town Police Clauses Act 1847 and Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 (hereinafter referred to as the 1847 Act and 1976 Act), Huntingdonshire District Council has made standard conditions which will apply to all Hackney Carriages which are required to be licensed under Section 37 of the 1847 Act.

The legislation relating to hackney carriages is contained within the 1847 Act and 1976 Act. Further, and in accordance with section 47(1) of the 1976 Act, the Council may attach to the grant of a hackney carriage vehicle licence such conditions as it may consider reasonable necessary.

It is a criminal offence to use a hackney carriage within the Huntingdonshire District without having a hackney carriage Vehicle Licence.

As a Huntingdonshire District Council Private Hire driver you are NOT permitted to ply for hire within or beyond the district boundary, as a Hackney Carriage Driver you are NOT permitted to ply for hire outside of the district boundary

Any person caught doing so will be subject to investigation for breach of licence conditions with the possibility of suspension or revocation of their license and prosecution.

All new hackney carriages above plate 44 must be wheelchair accessible vehicles (WAV's) and are designated as such. The Licensing Authority will apply any specification for such vehicles as may be provided by regulations under the Equality Act 2010. There is not the same requirement for private hire vehicles to be wheelchair accessible. Existing hackney carriage plates 1-44 also retain protected grandfather rights to use saloon style vehicles provided the licence remains in continuous use. If a renewal application is made late and the licence lapses, the grandfather rights will be lost and a new application for a new WAV vehicle will need to be made.

### **1. Type of vehicle**

- The vehicle must be safe, comfortable and suitable in type, size and design for use as a private hire or Hackney Carriage vehicle.
- Private Hire vehicles must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage; a London" type taxi cab finished in the manufacturers standard colour; or
- All vehicles must be finished in the manufacturers standard colour with a minimum of four doors not including the tailgate (unless specifically adapted to be used as an

access or egress point); or a vehicle specially adapted to carry disabled persons and approved by the council

- Environmentally friendly vehicles such as hybrid vehicles, electric or LPG vehicles, and Four x Four (4x4) and Sports Utility Vehicles (SUV's) will be considered on their individual merits
- All LPG vehicle conversions must have been carried out by a (Liquefied Petroleum Gas Association) LPGA Approved installer and the vehicle proprietor issued with an LPG Conversion Certificate which must be produced when applying for either a Hackney Carriage or Private Hire Vehicle licence
- The vehicle must display on the front and rear screens, a sticker stating that the vehicle has been fitted with an LPG tank for the purpose of alerting the emergency services in the event of an accident
- No more than Five years old from the date of first registration when first presented for licensing.
- Hybrid/Electric or ultra low emission vehicles will be no more than 7yrs old from date of first registration when presented for licensing In a condition so as to comply at all times with all statutory requirements. (Testing by the council or its appointed agents does not avoid the need for a Certificate Of Compliance (CoC) for all vehicles more than one year old
- Where by the removal of seats, a vehicle original seating capacity is reduced to the maximum capacity of eight passenger seats, the redundant seat mountings must be rendered unusable. This must be done in such a way as to prevent the easy re-fitting of seats.
- Hackney Carriage – The vehicle must be capable of safely loading, transporting and unloading a wheelchair bound passenger from the side or rear of the vehicle.
- Hackney Carriage Facilities for the Disabled
- Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraints. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other.
- Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried in the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. the minimum angle of a hinged door when opened must be 90 degrees

- The clear height of the doorway must be a minimum of 1.27 metres, the width of the doorway must be a minimum of 680mm and internal headroom must be a minimum of 1.32m
- Grab handles must be placed at door entrances to assist the elderly and disabled, and must be contrasting in colour.
- The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements: -

Be not more than 380mm from the ground, (measured at the centre of the tread width);

The surface shall be covered in a slip-resistant material;

Have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

Should any entrance be more than 380mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements: -

- Not be more than 380mm in height from the ground, (measured at the centre of the step width);
- Not be less than 250mm deep;
- The surface shall be covered in a slip-resistant material;
- Have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
- Not be capable of operation whilst the vehicle is in motion;
- If automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
- Can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is folded or retracted.
- The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.32 metres.
- Where seats are placed facing each other, there must be a minimum space of 350mm between any part of the front seat and any part of any other seat that faces it, provided adequate foot room is maintained at floor level.
- Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.
- A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for

licensing. The ramp must be 70cm wide, as a minimum, and comprise a single non-slip surface. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

- When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers, the vehicle must have all modifications and adaptations (including all seats seat belts and anchorages), retested or approved to meet either European Whole Type Approval or the UK Low Volume Type Approval (ESVA or IVA) that meets the required standard. Prior to the first licensing of the vehicle, the proprietor and/or driver must produce certification that the vehicle meets the required standards.
- Wheelchair passengers must always travel in the correct position as recommended by the vehicle manufacturer.
- Wheelchair accessible vehicles must display on the rear of the vehicle the standard sign with the symbol of the figure in a wheelchair indicating that the vehicle is wheelchair accessible

## 2, **Maintenance of Vehicle**

- Lighting Equipment – All front and rear lamps including headlamps, stop lamps, directional indicators, hazard lamps and fog lamps, shall be fully operational. Also lamp lenses shall be clean and free from any chips or cracks which affect the beam pattern, or allow moisture to enter the light casing. Reflectors should be free of corrosion or similar defects
- Steering and Suspension – The steering shall be fully operational and comply with DVSA inspection regulations. The suspension shall be fully operational, free from any leaks and with no excessive bounce. All components to be in good working order. The fitting of part worn or second hand parts are not permitted.
- Brakes – All brakes including the foot and handbrakes shall be in good working order and pull evenly in accordance with DVSA inspection regulations. All vehicles must be fitted with a high level brake light,
- Tyres and Wheels – All vehicles shall carry in accordance with manufacturers' recommendations all necessary equipment for puncture repair. All tyres, including any spare tyre, should be in a roadworthy condition and comply with all relevant statutory requirements. Spare wheels must be fitted in a secure manner at all times
- Seatbelts – All vehicles shall have fully operational seatbelts in the front and rear to accommodate all passengers. Seatbelts should be in good condition and should not be frayed or torn. All seatbelts shall be mounted to the vehicle body (not to vehicle seats unless specifically designed to do so) and adequately secured.
- Horn – The vehicles horn shall be fully operational and adequately audible.



- Heater and ventilation – The vehicle shall be fitted with a fully operational heater, which can be adjusted according to the needs of the passengers. Passengers must be able to operate the windows independently.
- Wipers and Washers – The correct size wiper blades shall be fitted and shall not be torn or frayed. The windscreen washers should operate correctly and fully.

3, **Coachwork – vehicles must comply with the following:**

- a) The width of the rear part of the body, measured from internal armrest to internal armrest should be a minimum of 1.28m. This measurement to be made with both rear doors closed
- b) The minimum legroom for passengers using the rear seats shall be 22cms, the measurement to be taken from the rear door pillar to the nearest point of the rear seat squab
- c) All doors shall be capable of being opened from both the inside and the outside and to an angle of at least 60 degrees. Two windows capable of being adjusted and secured in any open or partly open position shall be fitted
- d) All glass fitted shall be safety glass, i.e. glass that if fractured does not fly into fragments capable of causing severe cuts
- e) Glass, either in the window, windscreen or other part of the vehicle shall not be broken or discoloured and shall be free from cracks in accordance with DVSA regulations. Aftermarket window tints shall not be fitted to any windows.
- f) All coachwork shall be maintained in a clean condition and in a proper state of repair; and:-

If the vehicle is an estate or hatchback type car it must be fitted with a guardrail or other device of a type approved by the Council to separate the rear loading area from the passengers

4. **General**

- a) The vehicle must be fitted with an internal rear view mirror and on both sides with external rear view mirrors
- b) The two way radio equipment must be installed to ensure safe operation
- c) All parts of the vehicle, its fittings and equipment both internal and external must be kept in an efficient, safe and clean condition and comply at all times with all relevant statutory requirements.
- d) The licence plate issued by the council shall be affixed to the council issue bracket behind or adjacent to the vehicle number plate
- e) The proprietor/driver shall ensure that at all times whilst the vehicle is used on public roads, there is a current vehicle excise licence (**Roadtax**) in force for the vehicle

- f) Hackney Carriage vehicles shall at all times have a fare table issued by Huntingdonshire District Council displayed within the vehicle in a clear and prominent manner
- g) At least two No Smoking signs are to be displayed within the vehicle and clearly visible to passengers
- h) Plain window blinds may be fitted to a vehicle to shield passengers from the sun, blinds with pictures, cartoons or advertising material will not be permitted
- i) Sufficient means by which any person in the vehicle may communicate with the driver must be provided
- j) The vehicle must be adequately insured for the licence held at all times during the duration of the licence. Any change of insurance provider during the period of a licence must be notified to the Council within seven days
- k) Vehicle proprietors are required to keep proof of insurance for a minimum period of six months after the expiry date for production on request by an authorised officer of the council
- l) **Any vehicle licensed by another authority will not be licensed with this authority, known as dual plating**

#### 5. **Safety Equipment**

The proprietor shall provide and maintain in good working order in the vehicle:

- a) A suitable fire extinguisher and first aid kit containing appropriate dressing and appliances in date, both items to have the plate identification number issued by the council written on them in permanent marker.

#### 6. **Exterior Signs**

The proprietor shall ensure that:

- a) Except where authorised in writing by the Licensing Officer under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976, at all times the vehicle current licence plate provided by the Council is displayed: and
- b) Signage must be affixed in a prominent position on each of the rear passenger doors displaying the Huntingdonshire District Council logo with the words Licensed Hackney Carriage or in the case of private hire vehicles “ insurance invalid unless pre-booked” The signage must be in a prescribed format and is only obtainable via the licensing authority,
- c) Private Hire Vehicle: - No roof sign shall be displayed at any time;
- d) The vehicle shall display on the driver and front passenger door in a prominent position the name and contact details of the Operator fulfilling the booking, except where plate exemptions are permitted

- e) Vehicles shall display on both rear external passenger doors in a prominent location affixed door signage as issued by the Licensing Authority
- f) Hackney Carriage Vehicle: - the vehicle shall be fitted with a roof sign not exceeding 500mm in length and 120mm in height, and bearing the word "TAXI" in black lettering illuminated in yellow and no other lettering to the front. The word "TAXI" and the wording "HUNTINGDON DISTRICT COUNCIL" in black lettering, illuminated in red or yellow and no other lettering to the rear
- g) Any alternative sign may not be displayed except with the written authority of the Licensing Officer and in any event must bear the words mentioned above and no others
- h) The roof sign to be maintained in good order and displayed at all times on the roof of the vehicle except:
  - When the vehicle is on hire for a wedding
  - When it is necessary to accommodate passenger's luggage by the use of a roof rack
  - When the vehicle is being used for the proprietor or a person authorised by the proprietor for social, domestic or pleasure purposes;
  - Otherwise with the prior approval in writing of the Licensing Officer
- i) The roof sign is illuminated except when the vehicle is under hire.
- j) In certain circumstances the Council may authorise or require alternative or additional exterior signs subject to such further or substituted conditions as the Council may determine.

7. **Windscreen notice**

The Proprietor must have a notice showing the licence plate number supplied by the Council clearly displayed on the interior of the front windscreen of the vehicle clearly visible to persons inside the vehicle.

8. **Tinted windows**

- (1) Vehicles first used before 1 April 1985, the windscreen and front side windows must allow at least 70% of light to be transmitted through them.
- (2) Vehicles first used on or after 1 April 1985, the windscreen must allow at least 75% of the light to be transmitted through them whilst the front side windows must allow at least 70% of the light to be transmitted through them.
- (3) If the glass is tinted to a point whereby it lets through less light, then the vehicle does not meet legal requirements

9. **Advertisements**

All adverts must be approved at the discretion of the Council. For vehicles with less than 6 passenger seats, the lettering on the signs and notices shall not exceed 5cm

(2 inches) in height). Larger signs for vehicles with 6 to 8 passenger seats may be used, however all proposed signs and notices must be submitted for approval by an appointed officer of the Council.

All adverts must comply with the British Code of Advertising practice; in addition the Council will not normally approve any advertisements which depict the following:

- (a) Political, ethnic or religious messages or content which is contrary to the Council's Equality Scheme.
- (b) Sexual content.
- (c) Indecent material or content likely to offend public taste.
- (d) The promotion of the sale or consumption of tobacco products.
- (e) The promotion of the sale or consumption of alcohol.
- (f) Any words or image that may indicate that a Private Hire Vehicle is a Hackney Carriage.
- (g) Gambling.
- (h) Encouragement of unlawful or anti-social behaviour.

Any advertisement must not obscure or detract from the Council's vehicle identification materials required to be fitted to the vehicle by the conditions relating to hackney carriage and private hire vehicles. Advertisements may not be placed on the front offside and nearside doors.

10. **Alteration of vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time whilst the licence is in force

11. **Inspection**

The proprietor shall submit the vehicle to the Council or its appointed agents for inspection:

- a) Annually when the licence is due for renewal
- b) After any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers and the proprietor shall notify the Licensing Officer of any such accident within 72 hours; and
- c) At any other time if so requested by the Licensing Officer in accordance with legislation.

12. **Convictions**

The proprietor shall, within seven days disclose to the Licensing Officer, in writing, details of any conviction, caution, reprimand or warning issued to him or her or, if the proprietor is a company, on any of its directors during the period of the licence.

13. **Change of Address**

The licensee driver shall notify the Licensing Officer in writing of any change of his or her address during the period of the licence within seven days of such change taking place.

14. **Transfer of Licence**

If an owner/proprietor/co-owner of a vehicle in respect of which the Council has granted a licence, transfers his/her interest in the vehicle, he/she shall within 14 days after the transfer give written notice of the transfer to the Council. That notice must contain the name and address of the person to whom the licensed vehicle has been transferred and the written consent to the transfer from the previous proprietor

15. **Surrender of Licence**

Except in situations to which Section 49 Local Government (Miscellaneous Provisions) Act 1976 applies (transfer of vehicles with licence), if the proprietor ceases to use the vehicle for the purpose for which it is licensed he or she shall surrender the licence and return the plate, which remains the property of Huntingdonshire District Council, to the Licensing Officer.

16. **Deposit of Drivers' Licences**

If the proprietor permits or employs any other person to drive the vehicle as a hackney carriage or private hire vehicle he or she shall, before that person commences to drive the vehicle, cause that person to deliver his or her hackney carriage or private hire driver licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

17. **Hackney Carriage Taximeter**

- a) The vehicle shall be fitted with a taximeter visibly recording the passenger fare payable in conformity with such table of fares as may from time to time be approved by the Council
- b) The position of the taximeter shall be agreed by the Council's Licensing Officer and shall be maintained at all times so that the fare displayed can readily be seen by the passenger; and
- c) The operation of the taximeter shall accord with any Byelaws made by the Council.
- d) The taximeter shall be fitted with a key, flag or other device the operation of which will bring the machinery of the taximeter into action;

- e) Such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- f) When the machinery of the taximeter is in action, there shall be recorded on the face thereof in figures clearly legible and free from ambiguity the fare not exceeding the rate or fare which the Proprietor or driver is entitled to demand and take for the hire of the carriage by distance;
- g) The taximeter shall be so placed that all the letters and figures on the face thereof shall be at all times visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be suitably illuminated during any period of hiring;

18 **Hackney Carriage Byelaws**

The vehicle must comply with the relevant provisions of the hackney carriage Byelaws or be taken out of service as a hackney carriage until such time as the vehicle complies with the Byelaws.

19. **Exemption Licence Conditions (Private Hire Only)**

The following condition applies ONLY if the Council has allowed in writing an Exemption licence to be issued instead of an external rear plate. The Council has determined that under the Private Hire Vehicle license an exemption license will be issued, to be kept in the vehicle at all times, for all uses of the vehicle as a private hire vehicle where the driver is acting as a uniformed chauffeur under a written contract for one or more journeys (Appendix D). If any use of the vehicle as a private hire vehicle is made where there is no written contract or where the driver is not in uniform a plate shall be used at the rear of the vehicle.

If the plate is not correctly displayed or the exemption licence not within the vehicle, or if there is any contravention of this provision, the vehicle shall not be deemed to be licensed.

NB: In Cambridge City, certain Road Traffic Regulation advantages given to licensed vehicles in use as such may not be available unless a plate is used. You will need to observe the relevant requirements if you wish to claim those advantages.]

**Failure to comply with any of these conditions may result in the Council suspending, revoking or refusing to renew the licence and in certain circumstances, in prosecution. There is a right of appeal to the Magistrates Court.**



## **Private Hire Vehicle Plate Exemption Conditions**

**The conditions listed below apply to all private hire vehicles granted an exemption by Huntingdonshire District Council from the requirement to display an external identification plate (private hire vehicle licence plate).**

**The following conditions are in addition to the standard conditions that are required for private hire vehicles.**

1. The vehicle licence plate and exemption notice are issued by the council in accordance with the requirements of the Local Government (Miscellaneous Provisions) Act 1976 and shall remain the property of the council.
2. The vehicle will be issued with a licence plate which must be kept within the vehicle at all times, fixed to the inside of the boot or tailgate.
3. Any vehicle granted an exemption from displaying a vehicle licence plate will be required to have the exemption notice kept within the glove compartment of the vehicle.
4. In the event of loss or damage rendering the plate or exemption notice unserviceable, the operator shall make immediate application for a replacement for which a fee is payable.
5. The plate and exemption notice issued by the council must be carried in the vehicle at all times and must be produced to an authorised officer of the council or any police officer upon request.
6. When issued with an exemption notice, the vehicle will not be required to display door signs as the council would otherwise require a private hire vehicle to display.
7. When issued with an exemption notice, a taximeter must not be installed in the vehicle.
8. The operator will not display in or on the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.

9. The operator will not display in or on the vehicle any advertisement, signage or logos or insignia advertising third party companies, products or services.
10. During the period of the exemption notice the driver will not be required to wear a private hire driver's badge, but must have it available for immediate inspection by an authorised officer of the council or any police officer on request.
11. During the period of the exemption notice the driver of the vehicle, whilst engaged in private hire work will be smartly dressed in either a formal chauffeur's uniform or business suit with collar and tie.
12. The operator will notify the council immediately of any change of use of the vehicle.
13. The vehicle must be used for chauffeur services and 'executive hire' only and not for private hire purposes (i.e not for 'normal' airport journey's, educational transport, County Council, Social Services or daily private hire use, in which case a licence plate and door signs must be displayed).
14. The driver and passenger front side window glass and front windscreen must be clear. However tinted windows can be fitted to the rear side and rear window glass of the vehicle so long as they are factory fitted, comply with current legislation and comply with any current private hire vehicle licence conditions.
15. An exemption notice will cease to have effect on the sale or transfer of the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale or transfer of ownership immediately and in writing. The exemption notice must be returned to the council along with the vehicle licence plate.

**Failure to comply with any of these conditions may result in the Council suspending, revoking or refusing to renew the licence and in certain circumstances, in prosecution. There is a right of appeal to the Magistrates Court.**





## **Private Hire Operator Licence Conditions**

1. The licensee shall keep a suitable record of each journey noting the following particulars of every booking of a private hire vehicle invited or by request of another operator and whether or not the vehicle to be hired is provided by the licensee himself, such records must be maintained for at least two years, all entries must be made in ink, or stored digitally, and be available to an authorised officer upon request:
  - Date of booking;
  - Time of booking;
  - Whether direct from hirer or at request of another operator (in the latter instance give name of operator)
  - Name of hirer;
  - Place, date and time at which vehicle is to pick up;
  - Place, date and time of the vehicle destination;
  - Place and registration number of vehicle, and the name of proprietor if not the licensee himself; and
  - Name of the vehicle driver

### 2. **RECORDS**

The licensee shall keep a record of the following particulars of any private hire vehicle for which he or she invites or accepts bookings:

- Vehicle registration number
- Private hire plate number
- Permitted number of passengers to be carried as shown on the private hire licence plate;
- Make and model of vehicle;
- Name and address of vehicle proprietor;
- Date the vehicle was first licensed for motor taxation purposes;
- Date the vehicle was first licensed by the council for private hire work;

- Date on which the vehicle was added to the operator's fleet; and
- Date on which the vehicle was withdrawn from the fleet.

3. **DRIVER DETAILS**

The licensee shall keep a record of the following particulars of all licensed private hire vehicle drivers engaged to drive any private hire vehicle operated

- h) Full name of driver;
  - i) Full permanent address of the driver;
  - j) Date of birth of driver
  - k) Drivers private hire badge number
  - l) Date that engagement/employment commenced; and
  - m) Date that engagement/employment terminated.
4. The licensee shall produce all or any of the records specified in conditions (1) (2) and (3) on request to any authorised officer of Huntingdonshire District Council (The Council) or to any Constable for inspection.

5. **BOOKINGS**

The licensee shall not invite or accept bookings for private hire work for any vehicle which has not been licensed by the Council for such work.

6. The licensee shall not employ or otherwise engage whether directly or indirectly any person to drive any private hire vehicle for which the licensee invites or accepts bookings unless they holds a current private hire driver licence issued by the Council and there is appropriate insurance policy in place which covers personal injury to passengers.
7. The licensee shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular;
- a) Ensure that when a private hire vehicle has been hired to pick up at an appointed time and place the vehicle shall, unless unavoidably delayed or prevented by from being able attend at the appointed time and place;
  - b) Ensure that when a private hire vehicle has been hired, the vehicle shall be clean inside and display on the external rear of the vehicle, the current private hire vehicle licence plate provided by the council;
  - c) Ensure that when a private hire vehicle has been hired the price of the journey shall be given to the hirer at the time of the booking.
  - d) Ensure that at the time of the booking the hirer will be informed that in the case of a lone person travelling they shall be informed that they are required to travel in the rear of the vehicle unless requested otherwise at the time of the booking.

- e) Keep clean, adequately heated, ventilated and lit any premises provided and to which the public have access whether for the purpose of booking or waiting;
  - f) Ensure that any waiting area provided has adequate seating facilities; and
  - g) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
8. The licensee shall immediately on receipt of any information or complaint as listed in HDC convictions policy notify the Licensing Officer and provide details of the action taken.
  9. A record of all complaints will be kept by the operator and made available to the public and an authorised officer on request in the case of an investigation
  10. The licensee shall notify the Licensing Officer in writing of any conviction arising out of court action imposed upon him or her or; if the licensee is a company or partnership, on any of the directors or partners

**NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS INCLUDING THE GENERAL CONDITIONS RELATING TO PRIVATE HIRE VEHICLES AND DRIVERS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.**



## **LICENSING OF STRETCHED LIMOUSINES – SPECIAL CONDITIONS**

### **LICENSING REQUIREMENTS**

1. The general conditions imposed by Huntingdonshire District Council (hereafter referred to as the Council) for Private Hire Vehicle Operators, Drivers and Vehicles will be applicable to the licensing of stretch limousines unless amended by the following provisions.

1.2 the type of work undertaken by stretch limousines will differ significantly from that of regular private hire work in that the vehicle will only be licensed for the carriage of passengers for special events, examples of which are:

- Prom nights
- Theatre trips
- Hen nights
- Stag nights
- Party trips
- Race days

or any other similar events considered by the Council to be special in nature. However, vehicles use solely for weddings and funerals are exempt from the requirements of private hire licensing.

### **2. PRIVATE HIRE OPERATORS LICENCE**

2.1 Persons taking bookings for private hire work using stretch limousines will be required to hold a private hire operator's licence issued by the Council.

2.2 All bookings of a limousine for use as a private hire vehicle must be made through a licensed private hire operator. Any vehicle licensed by the Council will only be used for hire under the terms of a private hire operator's licence already issued or granted to an operator within the District or to any new licensed operator.

### **3. PRIVATE HIRE VEHICLE DRIVERS LICENCE**

3.1 Any person driving a stretch limousine for private hire will be required to be licensed as a private hire driver by the Council.

#### **4. DEFINITION OF A STRETCH LIMOUSINE**

- 4.1 A stretch limousine is defined as a motor vehicle that has been lengthened by the insertion of an additional body section and modified by an authorised coachbuilder that is capable of carrying up to but not exceeding 8 passengers. There will be no age limit for first registration and no maximum upper age limit, subject to the vehicle being mechanically and physically maintained in accordance with the provisions of the Council's standard conditions relating to private hire vehicles as referred to in paragraph 1 above.
- 4.2 Once licensed as a private hire vehicle, the limousine will be subject to any statutory requirements imposed by Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.3 Stretch limousines will be regarded as luxury vehicles used for special events. The use of such a vehicle for standard private hire work is not considered to be appropriate.

#### **5. VEHICLE TESTING**

- 5.1 A stretched limousine vehicle will be subject to a twice yearly mechanical examination at intervals to be specified by the Council at its authorised testing station to determine its safety and suitability for the type of work for which it is to be licensed. This will apply to all stretched limousines regardless of age, date of import or date of registration. The Vehicle Registration Document V5 must indicate in the field "Type Approval Number" that it has undergone one of the following approvals and meets the technical standards of either:
- a European Whole Vehicle Type approval, or
  - a British National Type approval, or
  - an Individual Vehicle Approval (IVA) (formerly known as the Single Vehicle Approval scheme (SVA)).
- 5.3 Where applicable, the Vehicle Identification Number (VIN) plate shall display '1L1' to confirm conversion completed by an authorised dealer.
- 5.4 Documentation is to be provided proving that the 'stretch' was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer e.g. American limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.
- 5.5 A plate on the door pillar shall confirm the total weight of the vehicle.
- 5.6 DVLA V5 or equivalent shall be produced to authenticate registration.

## **6. VEHICLE REQUIREMENTS**

- 6.1 Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times. The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight of the vehicle, such as 235/75R-15 108D (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced).
- 6.2 All LPG vehicle conversions must have been carried out by a (Liquefied Petroleum Gas Association) LPGA Approved installer and the vehicle proprietor issued with an LPG Conversion Certificate which must be produced when applying for either a Hackney Carriage or Private Hire Vehicle licence
- 6.3 The vehicle must display on the front and rear screens, a sticker stating that the vehicle has been fitted with an LPG tank for the purpose of alerting the emergency services in the event of an accident
- 6.4 Vehicles may either be left or right hand drive.
- 6.5 Vehicles must be fitted with at least 4 doors.
- 6.6 All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations.
- 6.7 Any sunroofs fitted must be securely fastened in a locked position so that passengers are unable to tamper with them. Passengers must not be allowed to exhibit any parts of their anatomy through such openings.
- 6.8 Stretch limousines with heavily tinted glass in the windows behind the driver's cockpit will be considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements. Tinted glass shall conform to the legal requirements as laid down by the Vehicle Operators Services Agency (VOSA).

## **7. PASSENGERS**

- 7.1 The limousine's seating capacity must have been reduced where necessary to a maximum of 8 passengers.
- 7.2 The vehicle must not carry more than 8 passengers at any time and for this purpose a babe in arms will be classed as a passenger no matter what their age.
- 7.3 Where passengers in the vehicle consist of persons under the age of 16 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18 years.
- 7.4 Passengers must not be carried in the front compartment.

## **8. INSURANCE**

- 8.1 The vehicle must have 'hire and reward insurance' to carry out private hire work and a fully policy of insurance must be presented before the vehicle is licensed.

8.2 No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence under the Licensing Act 2003 permitting the sale or supply of the same.

## 9. **ALCOHOL**

9.1 Alcohol shall only be served while the vehicle is stationary and afterwards all bottles shall be placed in a secure receptacle.

9.2 If there are any passenger's below the age of 18, then there shall be no alcohol on the vehicle.

9.3 Any 'glassware' in the vehicle must be made of either shatterproof glass or plastic.

## 10. **ENTERTAINMENT**

10.1 The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle (based on the age of the youngest passenger).

10.2 Entertainment provided in the vehicle shall be under the terms of any relevant legislative requirements. Activities which are prohibited within the vehicle are:

- Striptease
- Lap Dancing
- Pole Dancing
- Any other activity or performance of a like kind.

10.3 The driver of the vehicle shall not knowingly permit to be played any video, DVD or other recording image that is unsuitable having regard to the age of passengers being conveyed. In deciding what a suitable regard shall be, the driver must take notice of the classification of the video, DVD or recorded image awarded by the British Board of Film Classification

## 11. **ADVERTISEMENTS**

11.1 No signs, notices or any other markings will be displayed on or in the Vehicle without the written permission of the Council. There is no requirement for the vehicle to display a door sign denoting the operator's details.

11.2 In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry a maximum of 8 passengers and a sign to this effect must be displayed within the passenger compartment of the vehicle.

## 12. **RIGHT OF APPEAL**

12.1 Under Section 48 (7) of the 1976 Act, any person aggrieved by the refusal of the Council to grant a Private Hire Vehicle Licence, or any conditions specified in such a licence may appeal to a Magistrates' Court.

**NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS INCLUDING THE GENERAL CONDITIONS RELATING TO PRIVATE HIRE VEHICLES MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.**





## **LICENSING POLICY – RELEVANCE AND TREATMENT OF CONVICTIONS**

Under the provisions of Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a hackney carriage/private hire driver's licence and private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence.

The purpose of this document is to offer guidance on how Huntingdonshire District Council will determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. Each case is then considered on its own merits in the light of this policy.

This policy contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.

### **1. OFFENDERS AND OFFENDING – AN OVERVIEW**

- 1.1 The aim of local authority licensing of the hackney carriage and private hire trades is to protect the public. With this in mind, Public Protection will be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 1.2 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability.
- 1.3 This authority will consider all relevant factors including previous convictions, cautions, warnings and complaints as well as the time elapsed since these were committed.
- 1.4 This authority recognises that it is not possible to determine the future behaviour of an individual, however, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual's previous behaviour and their potential to cause harm as a result of the choices they have, will play a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve

consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person's ability to sustain such change.

## **2. Pre-application requirements**

2.1 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

### **Vehicles:**

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.

### **Drivers:**

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

### **Operators:**

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.

### 3. GENERAL GUIDANCE

- 3.1 There is no evidence which can provide precise periods of time that must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 3.2 Drivers and operators cannot be granted a licence unless this authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.3 There are no statutory criteria for vehicle licences, therefore this authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 3.4 “Fit and proper” also known as “safe and suitable” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence.
- 3.5 In determining safety and suitability this licensing authority is entitled to take into account all matters concerning that applicant or licensee. We are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.
- 3.6 Convictions, cautions or warnings for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by this authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction
- 3.7. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for this authority to decide what action to take in the light of this policy.
- 3.8 In all cases, this licensing authority will consider the conviction or behaviour in question and what weight should be attached to it. Each and every case will be determined on its own merits, and in the light of this policy.

- 3.9 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 3.10 As the licensing authority we will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 3.11 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from these experiences and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

#### **4. Relevance of offences**

- 4.1 Once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. This licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.2 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, may lead to revocation and may result in prosecution.
- 4.3 Where a person has more than one conviction, this will raise serious questions about their safety and suitability. This licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed
- 4.4 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, this licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

4.5 These guidelines do not replace the duty of this licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority will consider the matter from first principles of public safety and determine the fitness and propriety of the individual.

## 5. DRIVERS

5.1 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together as part of this document.

5.2 Drivers have direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

5.3 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will be given as to whether they are a safe and suitable person and therefore fit and proper to hold a licence.

## 6. Single convictions

6.1 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

6.2 **Crimes resulting in death:-** Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they **will not be licensed**.

6.3. **Exploitation :-** Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, **they will not be licensed**. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

6.4 **Offences involving violence :-** Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, **a licence will not be granted until at least 10 years** have elapsed since the completion of any sentence imposed.

6.5 **Possession of a weapon :-** Where an applicant has a conviction for possession of a weapon or any other weapon related offence, **a licence will not be granted until at least 7 years** have elapsed since the completion of any sentence imposed.

- 6.6 **Sex and indecency offences** :- Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, **a licence will not be granted.**
- 6.7 In addition to the above, the licensing authority **will not grant a licence** to any applicant who is currently on the **Sex Offenders Register or on any 'barred' list.**
- 6.8 **Dishonesty**:- Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, **a licence will not be granted until at least 7 years** have elapsed since the completion of any sentence imposed.
- 6.9 It is an offence for any person knowingly or recklessly to make a **false declaration or to omit any material particularly in giving information** required on the application form for a licence. Where an applicant has made a false statement, false declaration or omitted to include information on their application for the grant or renewal of a licence, **the licence will normally be refused.**
- 6.10 **Local Authority offences** :- Local Authority offences such as benefit fraud, health and safety and food hygiene although not necessarily directly relevant to taxi licensing should not be discounted lightly and should be considered when deciding whether or not an applicant is a fit and proper person.
- 6.11 **Drugs** :- Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence **will not be granted until at least 10 years have elapsed** since the completion of any sentence imposed.
- 6.12 Where an applicant has a conviction for **possession of drugs**, or related to the possession of drugs, a licence **will not be granted until at least 5 years have elapsed** since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 6.13 **Discrimination** :- Where an applicant has a conviction involving or connected with discrimination in any form, a licence **will not be granted until at least 7 years have elapsed** since the completion of any sentence imposed.
- 6.14 **Motoring convictions** :- Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.
- 6.15 **Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving** :- Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until **at**

**least 7 years have elapsed** since the completion of any sentence or driving ban imposed. In these circumstances, any **applicant will also have to undergo drugs testing** at their own expense to demonstrate that they are not using controlled drugs.

**Hand held telephone;**-Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted **until at least 5 years have elapsed** since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## 6.16 Any offence for dangerous driving will be considered as a serious offence and will result in refusal or revocation of a licence

### 7. Other motoring offences

7.1 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant **has 7 or more points on their DVLA licence** for minor traffic or similar offences, a licence **will not be granted until at least 5 years have elapsed** since the completion of any sentence imposed.

7.2 A **major traffic or vehicle related offence** is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until **at least 7 years have elapsed** since the completion of any sentence imposed.

7.3 Where a person has a DVLA disqualification for totting up offences a licence will not normally be granted for a period of five years have elapsed since the completion of any sentence

7.4 Where a current licence holder has received a disqualification for totting up offences the licence will be revoked.

### 8. Hackney carriage and private hire offences

8.1 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be

granted until **at least 7 years have elapsed** since the completion of any sentence imposed.

## **9. Vehicle use offences**

- 9.1 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until **at least 7 years have elapsed** since the completion of any sentence imposed.

## **10. Private Hire Operators**

- 10.1 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 10.2 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 10.3 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate.
- 10.4 If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria that will lead to the operator’s licence being revoked.
- 10.5 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

## **11. Vehicle proprietors**

- 11.1 Vehicle proprietors (both hackney carriage and private hire) have two principal Responsibilities:
- Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
  - Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 11.2 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.



11.3 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

14. **Non conviction information**

14.1 On the occasion of information being supplied by the Chief Officer of Police either as the result of information contained on a DBS Disclosure or under the 'Notifiable Occupations Scheme' which relates to an alleged serious offence which resulted in no action being taken, consideration should be given to refusing or suspending/revoking the application/ licence. Such offences would include those of a violent or a sexual nature. Every case will be considered on its own merits.

15. **CONCLUSION**

15.1 A criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for a period of time, according to circumstances before an application can be considered.

15.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give more cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration must be the protection of the public.