East Cambridgeshire District Council

Hackney Carriage and Private Hire Licensing Policy

Effective: 13 February 2025

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PART 1 - INTRODUCTION

1.1 Powers and Duties

1.1.1 This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on East Cambridgeshire District Council ("the Council") the duty to carry out its licensing functions in respect of hackney carriage drivers and vehicles, and private hire vehicles, drivers, and operators.

1.2 Aims and Objectives

1.2.1 The hackney carriage and private hire trade has a specific role to play in an integrated transport system. The trade is able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.2.2 In setting out this policy, the council seeks to promote the following objectives:

- the safety and protection of the public
- the maintenance of a professional and respected private hire trade
- access to an efficient and effective local transport service
- the protection of our local environment.

1.2.3 It is the aim of the Council in this context, to use the licensing powers available to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that the drivers, operators, and proprietors of these vehicles have been sufficiently vetted so as to be considered "fit and proper".

1.2.4 The Council in composing this policy has been mindful of the need to justify each requirement against the risk it seeks to address, or objective it seeks to promote. Where the cost of implementing a proposed requirement was not commensurate with the perceived benefit in either of these areas, the introduction of the requirement was not pursued.

1.2.5 In carrying out their regulatory functions, the council will have regard to this policy ("the Policy") and in particular, the objectives set out above. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the council to depart substantially from this policy, clear and compelling reasons will be given for doing so.

1.2.6 The policy refers to guidance that is available to applicants, drivers and operators to assist them with the application processes and the running of the service. This guidance, relevant application forms, and the current fees are available on the East Cambridgeshire District Council website.

1.3 Statutory Taxi & Private Hire Vehicle Standards and Best Practice Guidance

1.3.1 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. In formulating this policy, advice contained in the "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2023" has been taken into account, in addition to aligning the local policy with the Statutory Standards.

There is recognition within the Guidance that licensing requirements which are unduly stringent and demonstrate a too restrictive approach may be detrimental to the public interest and could have adverse safety implications.

1.3.2 Local circumstances and requirements have been taken into account in this policy, and the DfT itself recognises that individual Councils are best placed to "decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes", providing they have regard to the Statutory Standards.

1.4 Access and Equality

1.4.1 The Council is committed to social inclusion and ensuring a wide variety of opportunities are available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

"Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible."

1.4.2 The Council maintains a list of wheelchair vehicles in accordance with section 165 of the Equality Act 2010, which can be found on www.eastcambs.gov.uk, and specific disability questions are asked on the driver knowledge test.

1.4.3 All licence holders are expected to comply with the Council's customer care standards (which can be found in **appendix I** of this policy) at all times whilst going about their business), in addition to any specific conditions of their licence(s). Failure to do so could result in the revocation of the holder's licence, and in the case of a driver not complying with the requirements of the Equality Act 2010, failure to do so could result in an offence under the Equality Act 2010 being committed.

1.4.4 More specific information on access and equality can be found in the vehicle, driver and operator sections of this policy.

1.5 Safeguarding

1.5.1 East Cambridgeshire District Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

1.5.2 Safeguarding is the process of protecting children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect and physical, emotional and sexual abuse.

1.5.3 All driver applicants are required, to attend safeguarding training at the direction of the Council, or to provide proof that equivalent safeguarding training has been undertaken with another provider. All existing drivers have retrospectively attended this training.

1.5.4 The Council reserves the right to send licence holders on refresher training, should they consider it necessary.

1.5.5 All Members of the Licensing Committee and Officers working in the Licensing Authority will be safeguarding trained.

1.5.6 More information on Safeguarding can be found in **Appendix I**.

1.6 Principles, Process, Delegation and Decisions

1.6.1 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 advice and 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.

1.6.2 The Council has delegated its licensing function to the Council's Licensing Committee and further delegated authority to the Licensing (Non-Statutory) Sub-Committee (formally the Taxi Licensing Sub-Committee), and to Officers of the Council who will determine applications and licensing decisions in accordance with this Policy.

1.6.3 Whilst officers and the relevant committee 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. It is considered that departing from the policy will only occur in exceptional circumstances.

1.6.4 The Licensing (Non-Statutory) Sub-Committee consists of a selection of Members from the Licensing Committee. Three to five Members will sit on hearings to deal with new applications, renewals and reviews of licences that are referred directly by officers. Members, when determining applications for a licence, renewal or a review of a licence, will have regard to hackney carriage and private hire legislation, this Policy, and any other relevant legislation, legal case law and other relevant Council policies.

1.6.5 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.

1.6.6 Any decision to refuse to grant, refuse to renew or to suspend or revoke a licence will be determined by Officers through the scheme of delegation. The applicant will have a right of appeal.

1.6.7 Following the determination of an application which results in a refusal, or a decision to suspend or revoke a licence, the applicant will receive a copy of the decision in writing. The written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate. Notices will primarily be served via email to the email record we hold on file. A back-up hard copy will also be posted to the registered address we hold on record.

1.7 Penalty Points Scheme

1.7.1 In order to provide a clear and transparent enforcement scheme, all licence holders will be subject to the Council's penalty point scheme detailed in **Appendix P** to this policy.

1.8 Fees

1.8.1 There is a statutory power for the Licensing Authority to charge fees associated with the hackney carriage and private hire licensing regime. The fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the regulation of and enforcement work in relation to the hackney carriages and private hire trades. No profit shall be made from the fees charged, and fees will be regularly reviewed to ensure that they reflect the level of resources used.

1.8.2 Where a fee is payable for an application or notification, the appropriate fee should accompany the paperwork. Licences will only be processed and determined once payment has cleared. Due to this, applications or notifications where payment is being made by cheque should be submitted in plenty of time to allow the cheque to clear. Should a cheque not be honoured the applicant will be given a chance to pay by credit or debit card before a decision is made to refuse the application or notification for non-payment. In the unlikely event that a licence is issued in the belief the payment has been made, and it subsequently comes to light that the payment has not been made or honoured, the licence holder shall be

given a chance to pay the fee, but failure to pay will result in the licence being considered unlawfully obtained, and it shall be revoked immediately.

1.8.3 Licences surrendered prior to their expiry, or licences which are suspended or revoked shall not be eligible for a refund, as fees are payable upon the grant of a licence. Exceptions to this rule will be made where the licence holder surrenders their licence on medical grounds, or the licence holder passes away during the currency of their licence.

1.9 Fares

1.9.1 The Council sets the tariff of fares that all hackney carriage drivers must charge when a journey commences and concludes within the district boundary. The meter must be engaged throughout the journey, and it is an offence to charge more than the metered rate at the end of the journey.

1.9.2 Private hire vehicles are not required to use a meter to record the cost of any journey undertaken by a member of the public. However, where a licence holder chooses to install a taximeter they must display a tariff card in the vehicle showing the current fares payable.

1.9.3 One of the main complaints relating to the hackney carriage and private hire trade received by the Council concerns disagreements over the level of fare charged. To avoid such complaints, the operator and driver should ensure that the customer is fully aware of the charging method prior to any journey commencing.

1.9.4 A driver must provide a receipt if requested by the passenger.

1.9.5 For immediate hire, hackney carriage meters shall only be started at the point the journey commences. When conducting private hire work, the meter shall not commence until the journey commences, or until the hire time if the customer is late. For the avoidance of doubt, where a private hire customer has been advised that the journey will be charged by a meter, the meter in a Private Hire vehicle must only be started at the commencement of the journey, or the exact time the collection was booked for. It would be considered a breach of licence condition to commence charging prior to either of these scenarios.

1.9.6 Journeys starting or ending outside of the district boundary may be charged at rates exceeding that of the meter rate, providing the fare is pre-agreed with the customer prior to commencing the journey.

1.10 Policy Duration and Amendments

1.10.1 This Policy will take effect from 13 February 2025, and will supersede the existing policy. All new and existing licence holders will be required to comply with all aspects of the new policy upon implementation.

1.10.2 The Policy will be kept under constant review and amended as and when necessary to reflect changes in legislation, case law, and best practice guidance.

1.10.3 Unless required by legislation, case law, or best practice guidance, amendments to the policy will only be made without consultation if the amendment is not considered to be a substantial amendment. Substantial amendments are defined as an amendment that:

- will have a significant financial impact on licence holders or the public, or
- will have a significant procedural impact on licence holders or the public, or
- may not be perceived by the trade or the public to be consistent with the published objectives detailed in section 1.2.2 of this policy.

1.10.4 A routine full review of the policy will take place every five years.

1.11 Information Sharing

1.11.1 The council works in partnership with many other enforcement agencies such as the Police, HM Revenue and Customs, the Home Office, DVLA, Department of Work and Pension etc. The council will share information with other departments or regulatory bodies where appropriate.

1.11.2 The council is legally required to provide information if requested, pursuant to a criminal offence, or to detect fraud, or immigration offences.

1.11.3 The legislation also requires local authorities to maintain a public register.

1.11.4 The council will work with neighbouring authorities and report to them any relevant matters that relate to their licence holders.

1.11.5 The Council will provide information to the national revocation, refusal and suspension register.

1.11.6 The Licensing Authorities Privacy and Data Retention policy can be found on licensing pages of the Council's website.

1.12 Rights of Appeal

1.12.1 The Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 54 and 77 detail an applicant's right of appeal.

1.12.2 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, or refuse to renew a licence, or the Council's decision to suspend or revoke a licence, the applicant has a right of appeal to the local Magistrates' Court, although Hackney Carriage proprietor refusal appeals are heard directly by a Crown Court.

1.12.3 Any appeal must be lodged at the Court within twenty-one days of the applicant receiving notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

1.13 Definitions

1.13.1 All references in this policy document to the following terms imply the definition contained below:

Term	Definition
'Authorised Officer'	Any Officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution.
'Best Practice Guidance'	Best Practice Guidance on Taxi and Private Hire Vehicle Licensing issued by the Department for Transport dated March 2010.
'the Council'	East Cambridgeshire District Council
'the District'	The geographical region contained within the boundaries of East Cambridgeshire District Council, as detailed in the map on page 111.
'the Elected Members'	Elected Members of East Cambridgeshire District Council sitting as members of the Licensing Committee, or Licensing (Non-Statutory) Sub-Committee.
'he', 'his', or 'him'	All references to 'he', 'his', or 'him' expressly also imply the definition of 'she', 'hers', or 'her'

‘the Licensing Manager’	The current post-holder (or the equivalent position following any subsequent restructure), or any nominated Deputy authorised by the Council’s Scheme of Delegation.
‘the Licensing Authority’	The Licensing Authority of East Cambridgeshire District Council
‘the Licence Plate’ or ‘the plate’	the vehicle plate issued to all vehicles and required to be displayed externally at the rear and front windscreen of all licensed vehicles (save where exempted by this Policy)
‘this Policy’	East Cambridgeshire District Council’s hackney carriage and private hire licensing policy
‘proprietor’s licence’	A hackney carriage or private hire vehicle licence
‘operator’	A person or company licensed by East Cambridgeshire District Council to accept private hire bookings.
‘Medical Practitioner’	Any person with suitable qualifications in medicine and currently registered with the General Medical Council that is suitably qualified to perform the function of a General Practitioner (Doctor) or higher
‘Ophthalmic Practitioner’	Any person with suitable qualifications and is currently registered with the General Optical Council
‘Driver’s Licence’	Any reference to the term Driver’s Licence, unless prefixed by DVLA, refers to a joint private hire and hackney carriage driver licence, or private hire only driver licence (within the context of the specific paragraph) issued by the Council.
‘Restricted Private Hire Driver Licence’	A ‘Driver’s Licence’ further restricted by conditions to having legal effect only when fulfilling fixed route school, social care, or health care contract bookings, where the contract has been issued and directly funded by a public authority, Government recognised “not for profit” educational establishment, or NHS Trust, and payment will be made to the contract holding operator upon invoice.
‘Restricted Private Hire Vehicle Licence’	A private hire vehicle licence further restricted by conditions to only permit a ‘restricted private hire driver licence’ holder to drive the vehicle, and only in order to fulfil fixed route school, social care, or health care contract bookings, where the contract has been issued and directly funded by a public authority, Government recognised “not for profit” educational establishment, or NHS Trust, and payment will be made to the contract holding operator upon invoice.
‘Relevant enforcement action’	Any civil enforcement action taken by this Council, another licensing authority or a County Council, Unitary or Combined Authority

‘Hackney Carriage’ (as defined by s 48 of the Town Police Clauses Act 1847)

Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act; and in all proceedings at law or otherwise the term “hackney carriage” shall be sufficient to describe such carriage: Provided always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.

‘Private Hire Vehicle’ (as defined by s 80 of the Local Government (Miscellaneous Provisions) Act 1976)

A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

PART 2 – VEHICLES

2.1 Limitation of Numbers

2.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence, and there is no current evidence to support limiting the number of hackney carriages in the district.

2.2 Specifications and Conditions

2.2.1 Licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages and private hire vehicles. The Council issues three types of vehicle licences, Hackney Carriage vehicle licences, Private Hire vehicle licences and Restricted Private Hire vehicle licences.

2.2.2 The Guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the "type approval" rules within any specifications they determine.

2.2.3 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public; however, it is appropriate to set standards for the external and internal condition of the vehicle (provided that the standards are reasonable and proportionate), and the mechanical fitness of the vehicle.

Appendix A sets out the minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications.

Appendix F sets out the conditions of licence applicable to vehicle licences.

2.2.4 In general, vehicles will be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles.

2.3 Accessibility

2.3.1 Vehicle licence holders should be aware of and follow the code of good conduct expected of all licence holders. These can be found in **Appendix I**. Failure to provide these levels of service can result in enforcement action, and ultimately could lead to the revocation of a licence.

2.3.2 The Council maintains a list of wheelchair vehicles in accordance with section 165 of the Equality Act 2010. This list can be found on our website www.eastcambs.gov.uk. Vehicle licence holders whose vehicle is on this list should familiarise themselves with the Secretary of State's Statutory Guidance for "Access for wheelchair users to taxis and private hire vehicles", which can be found at www.gov.uk.

2.4 Environmental Considerations and Maximum Age of Vehicles

2.4.1 The Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. It is, nevertheless, accepted that a greater frequency of testing may be appropriate for older vehicles.

2.4.2 The age limits, engine, and testing requirements that are detailed in **Appendix A and B** to this policy are considered by the Council as being necessary and proportionate for the protection of the public and the promotion of the other objectives detailed in paragraph

1.2.2. These limits, and exclusions enable a diverse trade to exist, but ensure that the mainstream fleet remains modern, and therefore, benefits from new safety improvements, and lower emission levels.

2.4.3 Clearly emissions from licensed vehicles could be further reduced through education and raising awareness of environmental issues. Simple measures such as:

i) better and more frequent vehicle servicing; or
ii) switching off engines when stationary or idling

can make a significant environmental impact considering the number of licensed vehicles.

To this effect questions on environmental impact are included in the knowledge test for all new applicants.

2.4.4 **Appendix A** makes it clear that LPG conversions to vehicles are acceptable to the Council.

2.5 Vehicle Testing

2.5.1 Standard vehicles under twelve months of age and with less than 10,000 miles on the clock at the time of application will not require a mechanical test until the first-year anniversary of the vehicle's first registration (taken from the V5 document). All other vehicles must be mechanically tested and inspected by one of the Council's approved garages on application and annually for vehicles up to six years of age and every six months for vehicles over six years of age. This process is referred to as obtaining a "Certificate of Compliance". This document will be e-mailed to the Authority by the vehicle inspector.

2.5.2 The licence of any vehicle which fails the MOT items of the compliance will be deemed unroadworthy, and therefore, not fit for purpose, and the licence will be automatically suspended with immediate effect until such time as the vehicle has been re-examined and the necessary pass certificates obtained, or the licence has been varied to a suitable vehicle. The licensee must not use the hackney carriage or private hire vehicle after they have been served this suspension notice until such time as the inspection requirements are met, and the suspension is lifted by an authorised officer.

2.5.3 The licence of any vehicle which fails the Council required items of the test will be suspended. The type of suspension notice issued i.e. immediate or non-immediate will be made on a case-by-case basis depending upon the nature of the fail.

2.5.4 With the health and safety of the public being a predominate factor of this Policy, the licence holder of any vehicle involved in a collision of any type, and however minor, is legally required to report the collision to the Council within 72 hours using the Council's accident report form, which can be obtained from www.eastcambs.gov.uk. Upon receipt of the collision report form, the licence holder will be contacted by an Officer. Vehicles involved in a collision should not be used for carrying fare paying members of the public until such time as the vehicle has been inspected by either an Officer of the Council, or one of the Council's approved garages.

2.5.5 Where the damage is judged to be sufficient to impact the health and safety of the public the vehicle licence will be immediately suspended. The suspension will be lifted once the vehicle has been repaired to a suitable standard, or the licence has been varied to a suitable vehicle. Vehicles issued with an immediate suspension must be tested by one of the Council's approved garages prior to re-entering the fleet. Re-test fees in such circumstances are usually recoverable via a licence holder's insurance claim.

2.5.6 In the case of cosmetic damage, which is judged to lower the vehicle below the standards expected of a licensed vehicle, a non-immediate suspension notice will be issued. This suspension will be lifted upon the vehicle being repaired to a suitable standard or the licence has been varied to a suitable vehicle.

2.5.7 In addition to the above testing requirements, the Council reserves the right to conduct routine inspections. These tests will be undertaken at the Council Offices, or any other location. This check will predominantly consist of tyre checking, seatbelt checking, and checking the general visual appearance of the vehicle. However, where an Officer is unsure as to a vehicle's compliance, the vehicle will be referred to one of the Council's approved garages, for a formal assessment. Where the testing requirements are not met, the Officer may either agree a period of time for rectification and re-inspection, or suspend the vehicle until rectification and re-inspection has occurred.

2.6 Signage and Advertising

2.6.1 Hackney carriage and standard private hire vehicles are required to display licence plates externally on the rear of the vehicle, a dual sided plate in the front windscreen, and specific door stickers obtained from the Council on the front driver and passenger doors at all times. Exemptions may be given for certain types of standard private hire vehicle not to display the rear plate and door stickers. Exemption requests are considered on a case-by-case basis, see paragraph 2.23.

2.6.1 Restricted private hire vehicles are required to display a dual sided licence plate in the front windscreen of the vehicle so it can be clearly read from both inside and outside of the vehicle.

2.6.2 Hackney carriage and private hire vehicles may display other internal and external advertising, but permission must be obtained from the Council prior to any additional advertising being placed on or in the vehicle.

2.6.3 Religious, political, or sexualised advertising is likely to be refused.

2.7 Security/CCTV

2.7.1 The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.

2.7.2 East Cambridgeshire District Council does not consider that there is sufficient evidence to necessitate making the use of CCTV cameras in licensed vehicles compulsory at this point in time. However, licence holders are encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis. All CCTV must comply with data protection laws and all cameras must be mounted at a level equal to or greater than the level of the dashboard and must be directed at face height.

2.8 Application Procedures

The application procedures for a vehicle licence are prescribed by the Council. Applications must be made on the specified application form in accordance with the application procedure set out in **Appendix K**.

2.9 Consideration of Applications

2.9.1 The Council will consider all applications on their own merit once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

2.10 Grant and Renewal of Vehicle Licences

2.10.1 Hackney carriage and private hire vehicle licences will continue to be issued for the statutory maximum one-year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

2.10.2 Applicants must comply with the requirements set out in **Appendix K**. Incomplete applications may be returned to the applicant for resubmission when complete, and this may result in time off the road. In cases where a valid application has been submitted but the compliance certificate, road fund licence or insurance expire during the application period, a renewal may still be granted, but any renewed licence will be suspended until such time as the expired documents are updated.

2.10.3 When submitting renewal applications, applicants should be aware that it may take up to **three** working days (not including the day of submission) to process and issue a licence once all of the necessary paperwork and fee has been received. Where a decision to renew a licence is referred to the Licensing (Non-Statutory) Sub-Committee, this period may be extended to 28 days. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been collected from the Council. Every effort will be made to ensure continuity of trade; however, it would assist Officers if applications and supporting documentation are received at the earliest opportunity.

2.10.4 A vehicle licence is issued to a specific vehicle, and proprietor, therefore, any change of vehicle or proprietor during the currency of a licence would require the relevant application process to be completed.

2.10.5 Any vehicle which it is proposed will replace an existing licensed vehicle will be required to meet the current licence requirements for a new vehicle.

2.10.6 Once the date of expiry of an existing licence has passed and a valid renewal application form, fee, and V5C logbook haven't been received, the licence will automatically expire. Expired licences will only be re-instated in exceptional circumstances (Exeter City Council v. Sandle (2011), and applicants will be required to provide their reasons in writing. Whilst a decision is made as to whether the application to renew can be granted, the applicant will not be permitted to use the vehicle for hire and reward work. If the circumstances are not considered exceptional a new licence application will be required.

2.11 Non-Standard Private Hire Vehicles (Limousines and Novelty Vehicles)

2.11.1 Stretched Limousines

2.11.1.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag/hen parties and children's birthday parties.

2.11.1.2 Licensing authorities have generally considered there to be some problems which prevents stretched limousines from being licensed including:

- many of the vehicles are capable of carrying more than eight passengers;
- many of them are left hand drive;
- many are fitted with all round darkened glass;
- most originate from outside the UK or EU;

- many have been converted or modified after manufacture;
- due to their origin many parts may not be available making adequate maintenance difficult.

2.11.1.3 Most limousines are imported for commercial purposes and are, therefore, required to take an Individual Vehicle Type Approval (IVA) test. This test replaced the Single Vehicle Type Approval (SVA) test. They cannot be approved as Passenger Carrying Vehicles (PCV) because they cannot meet the required standards for the door arrangements and means of escape in an emergency. The IVA (and the SVA scheme it replaced) is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for IVA, or SVA the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.

2.11.2 Novelty Vehicles

2.11.2.1 A novelty vehicle is a vehicle that has been specially adapted, or converted by a low volume specialist vehicle manufacturer or modifier, and has been specially modified from its original design or specification. For the avoidance of doubt any vehicle capable of being licensed as a standard private hire vehicle would not be considered a novelty vehicle. Tuk Tuks are considered to be a novelty vehicle.

2.11.2.2 An IVA will be required with all novelty vehicle applications, see section 2.11.1.3 for more information on IVA's.

2.11.3 Applicable to both Limousines and Novelty Vehicles

2.11.3.1 The Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as a motor vehicle constructed or adapted to carry fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of the driver for the purposes of carrying customers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is:

(i) suitable in type, size and design for the use as a private hire vehicle;
(ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
(iii) in a suitable mechanical condition;
(iv) safe;
(v) and comfortable.

2.11.3.2 Stretched limousines, and novelty vehicles can be licensed for private hire work providing they may carry no more than eight passengers and meet the requirements of the Act. Possible exemptions under the Local Government (Miscellaneous Provisions) 1976 provide that nothing should:

(i) apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
(ii) apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;
(iii) apply to a vehicle being used in connection with a wedding.

2.11.3.3 Any stretched limousines, or novelty vehicles, which are offered for private hire or which are not used for funeral and weddings do, of course, require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week. Before licensing for private hire, therefore, a full insurance policy for private hire purposes will be required.

2.11.3.4 In accordance with the Guidance, all applications to licence stretched limousines, or novelty vehicles as private hire vehicles will be treated on their own merits. It is, however, proposed that imported stretched limousines, and novelty type vehicles:

- be granted an exemption from the requirement of licence for private hire vehicles to be right hand drive; and
- be approved for licensing as private hire vehicles subject to the additional conditions detailed in **Appendix B**;

2.11.3.5 It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine, or novelty vehicle. If a limousine is to be provided whereby part of the booking includes "free alcohol", the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

2.12 Contract Vehicles

2.12.1 Previously, there was no requirement for a vehicle to be licensed where it was used for a contract with an organisation/firm for a period more than seven days for carrying passengers for hire or reward under a contract for the hire of the vehicle. This exemption only applied to the vehicle and driver subject to the contract and then only during the period of the contract. Any vehicle being used for a contract with one firm could not be used for any other contract or purpose during the period of that contract. The Road Safety Act 2006 requires vehicles previously taking advantage of this exemption to become licensed vehicles.

2.13 Funeral Vehicles

2.13.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

2.14 Wedding Vehicles

2.14.1 A vehicle does not need to be licensed whilst it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered to be a licensable activity.

2.14.2 Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

2.15 Courtesy Cars

2.15.1 The Council will refer to the Department for Transport's Private Hire Vehicle Licensing document dated August 2011 when considering whether vehicles which are used as "courtesy cars", i.e. for transporting customers to and from garages, airports, hotels and nightclubs, without charge but with an obvious business benefit, are likely to need to be licensed under the private hire licensing scheme.

2.15.2 In all such circumstances, the business and/or driver will first be advised by the Council that they consider licensing as necessary.

2.15.3 In the event that the Council consider that a business within this section needs licensing, the Special Event Vehicle policy detailed at Section 2.18 will apply.

2.16 Ambulances and Other Patient Transport

2.16.1 Ambulances

All ambulances meeting the following requirements will be exempt from hackney carriage and private hire vehicle licensing:
"vehicles constructed to original manufacturer's specification and equipped and used for the carriage of sick, injured or disabled people with a permanent rear compartment and means of conveying passengers in a recumbent position together with an attendant seat for use by accompanying medical professionals, readily identifiable as a vehicle used for the carriage of such people by being marked "Ambulance" on both sides."

2.16.2 Other Patient Transport

Other patient transport services provided by either:

(i) Primary Care Trusts, or
(ii) Voluntary services,

that do not qualify for the exemption in 2.16.1 may require licensing as a hackney carriage or private hire vehicle. The Council will refer to the Department for Transport's Private Hire Vehicle Licensing document dated August 2011 when considering such vehicle usage.

2.16.3 In all such circumstances, the business and/or driver will first be advised by the Council that they consider licensing as necessary.

2.16.4 In the event that the Council consider that a business within this section needs licensing, the Special Event Vehicle policy detailed at Section 2.18 will apply.

2.17 Voluntary Sector Transport

2.17.1 The Council will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a hackney carriage or private hire business.

2.17.2 The Council will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit, or are using drivers whose services go beyond that of mere social kindness, and the Council considers that hackney carriage or private hire vehicle licensing is necessary.

2.17.3 In all such circumstances, the business and/or driver will first be advised by the Council that they consider licensing as necessary.

2.17.4 In the event that the Council consider that an organisation within this section needs licensing, the Special Event Vehicle policy detailed at Section 2.18 will apply.

2.18 Special Event Vehicles

2.18.1 Any vehicle defined by this Policy as a Special Event Vehicle will be assessed on its own individual merits. Under certain circumstances, some or all of the requirements of this Policy may be waived.

2.18.2 Under circumstances where any requirement of this Policy is waived, written authority of exemption will be given by the Council. Unless such authority is given, all requirements of this Policy will apply.

2.19 Seating in Multi-Passenger Vehicles (MPV's)

2.19.1 The Council will licence vehicles for seating arrangements of up to eight passengers where all licensing requirements are satisfied.

2.19.2 All vehicles licensed to carry in excess of four passengers will only be licensed where:

(i) the access and egress of passengers can be achieved without the need to remove existing seating, and
(ii) all seats are fitted with seat belts in accordance with legal or manufacturer standards, and
(iii) the height between the seat and the foot well of the rear rows of seats is consistent, and not less than 33cm between the top of the seat of the floor of the footwell.

2.19.3 All applicants wishing to licence an MPV are advised to contact the Council prior to purchasing their proposed vehicle to avoid potential disappointment. Officers upon request will inspect MPV's for suitability, and will provide applicants with an indication as to whether they will be able to obtain a licence or not. It should **not** be assumed that permission will automatically be granted.

2.20 Dual Plating

2.20.1 The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another licensing authority, and a vehicle may only hold one type of licence with East Cambridgeshire District Council at any one time.

2.21 National Flags

2.21.1 On the occasion of major sporting or non-sporting events (for example, a world cup, coronation, royal wedding, etc.) a maximum of two national flags may be flown on a licensed vehicle. The flag must be of a size and manufacture that will not obstruct the driver's view in anyway, nor endanger the safety of other road users or pedestrians. All flags are flown at the proprietor's own risk.

2.22 Interim Documents

2.22.1 Insurance, compliance, taximeter, and MOT certificates (where applicable) must provide continuous cover throughout the currency of any licence, and all required proof shall be deposited with the Council's licensing section as and when required. The vehicle must also be permitted to use the public highway.

2.22.2 An exemption to 2.22.1 may be offered where the licence holder notifies the Council via the prescribed form that the vehicle will be off the road, and returns the plates to the Council. If granted, this exemption will result in no action being taken against licence holders with out of date documents or gaps in cover, but the licence will be suspended until any out of date documents are brought up to date.

2.23 Executive Vehicle Plate and Door Sticker Exemption

2.23.1 Private hire vehicle licence holders may apply for an exemption from displaying the rear licence plate and door stickers in accordance with section 75(3) of "the 1976 Act". Relevant considerations as to whether a vehicle is an executive hire car include but are not limited to cost, reputation, specification, appearance, perception and superior comfort levels.

In addition, the following may be indicative (but not conclusive) that a vehicle is an executive hire car and that the exemption may be appropriate:

1. Engine size of 2000cc or greater, or equivalently powered electric or hybrid.
2. Each seat is of adequate dimension and permits direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat. Vehicle types which are capable of seating more than four passengers will be considered for the exemption, but will only be licensed for, in the opinion of the authority, the number of passengers who can travel comfortably. This consideration relates to the level of comfort that the average person may believe an Executive Hire Car should afford.
3. The original list price of any vehicle was a minimum of £50,000 in spite of its age on application. This minimum price will be exclusive of any extras added at the time of purchase. Evidence of the original new list value will be obtained at the time of application. (This figure is to be revised when the policy is periodically reviewed, and in any case no later than five yearly intervals).
4. The vehicle has a minimum specification of two zone electronic climate control, all electric windows, central locking and suitable front and rear headrests for each passenger.
5. Vehicles will be less than 10 years of age and capable of meeting all standard vehicle requirements on first application, and will not be permitted to exceed 15 years of age unless they remain in showroom condition both inside and out, in addition to complying with all other relevant vehicle requirements and conditions.
6. The driver will wear suitable business attire at all times whilst driving the licensed vehicle.
7. All work will be invoice based.

2.24 Applicant details

2.24.1 Every person who has an interest in a licensed vehicle must be included on an application for a vehicle licence, and every such person must be considered ‘fit and proper’ according to the Department for Transport’s Hackney Carriage and Private Hire Statutory Guidance. Where a person listed is not a driver licensed with the Council, a basic DBS must be provided with the application. Where a person listed is not a driver licensed with the Council, a basic DBS must be provided with the application. In the case of a restricted private hire vehicle, the applicant must include the private hire operator holding the contract to be fulfilled.

PART 3 - DRIVERS

3.1 Licences

3.1.1 The Council issues joint hackney carriage and private hire driver licences, as well as a standard private hire only driver licence, and a special 'restricted private hire driver licence'. The governing legislation is both the Police Town Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The Local Government (Miscellaneous Provisions) Act 1976 states that a Council shall not grant a licence to a person to drive a hackney carriage or private hire vehicle unless:

(a) they are satisfied that the applicant is a fit and proper person to hold a driver's licence; and

(b) the person has for at least twelve months been authorised to drive a motor car, and is not at the date of the application for a driver's licence banned from driving.

3.1.2 In order for a driver to show that he/she is a "fit and proper" person they must provide the Council with evidence of:

- Driver standard
- Medical fitness
- Criminal history

To assist applicants the following sections detail what evidence will need to be presented with their application form.

3.1.3 All driver licences will be issued for a period of one or three years, unless the Council considers it necessary in the given circumstances to issue the licence for a lesser period, or the individual has a restricted right to work in the UK (see section 3.2 "Right to work in the UK").

3.2 Right to work in the UK

3.2.1 All applicants are required to provide proof of their right to work in the UK. No licence can be legally issued unless the Licensing Authority receives this information.

3.2.2 Applicants with a restricted right to work in the UK may be issued with a time or hours restricted licence, and no licence will be permitted to expire beyond the licence holder's right to work expiry date.

3.3 Age and Experience

3.3.1 A licence will not be granted to anyone who has not held a full driving licence, issued in accordance with Part III of the Road Traffic Act 1988 (as amended), for a period of at least twelve months immediately prior to the application.

3.3.2 In order to ensure the licence is still valid a DVLA licence check will be conducted. EU and EEA licence holders must register their licences with the DVLA prior to application. International licences are not acceptable for the purposes of applying for a hackney carriage or private hire licence.

3.3.3 Any licence holder who has their DVLA driving licence withdrawn, or revoked is likely to face having their Council driver licence suspended or revoked immediately, as the Council

considers holding a valid DVLA licence to be an integral part of the 'fit and proper person' test.

3.4 Driver Knowledge Tests

Joint Hackney Carriage and Private Hire & Standard Private Hire Only Driver Applicants

3.4.1 The Council recognises that licensed drivers require a working knowledge of the district as a whole, and an understanding of the laws and conditions they are required to comply with. It is also seen as desirable to ensure that the trade has an understanding of other areas of social interaction that is likely to affect them in their role such as, disability awareness, environmental impact, safeguarding vulnerable passengers, and dealing with difficult situations. To this extent the Council requires all driver licence applicants and licence holders to undertake an in person knowledge test designed to test the applicants understanding of these particular subjects, as well their understanding of basic English and numeracy. The test taken depends upon the application type, but both have an overall pass mark of 80%, with a compulsory section that must be answered correctly.

Restricted Private Hire Driver Applicants

3.4.2 The Council recognises the specialist and limited nature of the work permitted by holders of 'restricted private hire driver licences', and will not require a formal in person knowledge test to be taken by applicants for this type of licence. However, applicants will still be required to have an understanding of the laws and conditions that they are required to comply with, and an understanding of other areas of social interaction that is likely to affect them in their role such as, disability awareness, environmental impact, safeguarding vulnerable passengers, and dealing with difficult situations. To this end, applicants will be provided with specific fact sheets that must be read, signed and returned to officers during their application process.

3.4.2.1 Successful restricted private hire driver applicants can vary their restricted licence to a standard private hire driver or a joint hackney carriage and private hire driver licence at any time by passing the relevant criteria and paying the variation fee.

3.5 Driving Proficiency and Qualifications

3.5.1 Driver applicants and licence holders must complete and pass a taxi/private hire driving assessment course with an approved provider to ensure they are aware of the hazards of driving. The requirement to take a driving course helps raise the standard of driving and ensures persons are aware of other road users when looking for trade or the address booked. The type of assessment required is determined by the type of licence being applied for. The list of approved suppliers can be found on the Council's website.

3.5.2 The items required by 3.4.1, 3.4.2 and 3.5.1 must be provided prior to being issued a licence.

3.5.3 The tests required by 3.4.1 and 3.5.1 only need to be passed once, unless the Council considers it necessary that a driver attend a further refresher course during the currency of their licence. Such action will only be considered where driving offences are recorded against a driver, and/or complaints regarding the driver's driving ability are received.

3.5.4 Driver Standards Agency (DSA), Blue Lamp Trust and Greenpenny certificates will be accepted by applicants who hold a driver licence with another licensing authority at the time of application to this Council.

3.6 Medical and Eyesight Examination

3.6.1 Applicants are required to demonstrate compliance with the medical standards for a group II DVLA licence. Drivers will also have to demonstrate compliance with the Council's eyesight requirements which form part of the medical assessment.

The applicant is responsible for the payment of all fees required for any medical or eye examination.

3.6.2 All drivers are required to provide a completed and signed D4 medical report and a prescribed certificate signed by a registered general medical practitioner, and a registered ophthalmic practitioner (where the chosen GP/Dr is unable to test their eyesight), to the effect that they are physically fit to be the driver of a hackney carriage or private hire vehicle on:

(i) initial application; and
(ii) every 3 years* until the age of 70, and annually thereafter.

* unless the driver is restricted to a shorter period for medical reasons.

3.6.3 The licensing authority will follow the C1 exemption guidance (as updated from time to time) when considering the medical fitness of new applicants with insulin dependent diabetes or existing licence holders diagnosed with insulin dependent diabetes during the currency of their licence.

3.6.4 A medical and eye test document required under Section 3.6.2 must be no older than 3 months at the time a valid new driver application is determined.

3.6.5 Where there is reasonable doubt over a driver's fitness, the authority may direct the driver for a medical examination by a specified registered medical practitioner at any time.

The applicant/ licence holder is responsible for the payment of all fees when instructed to undertake an additional medical or eye examination under these circumstances.

3.7 Disclosure and Barring Service (DBS) Disclosures

3.7.1 All applicants are required to obtain a Disclosure and Barring Service (DBS) Enhanced Disclosure:

(i) upon first application; and
(ii) every six months throughout the period of their licence.

The applicant or licence holder will be responsible for any associated fees.

3.7.2 Any applicant who has not been registered in the UK for at least 5 years at the point of application will be required to submit a certificate of good conduct or similar document from their relevant embassy before an application will be considered valid.

3.7.3 Proof of identity is required in order to obtain a DBS disclosure. All applicants will be required to provide amongst other documents a Birth Certificate or valid Passport, a copy of their UK or EU full driving licence, two utility bills identifying their address and one signed passport photograph. The full requirements are however based on the DBS requirements in operation at the time of application, and may therefore be varied from time to time. Please see www.gov.uk/dbs for more details, and the current identification requirements.

3.7.4 A disclosure or document required under Section 3.7.1 must be no older than 3 months at the time a valid new driver application is determined, unless registered on the DBS "Update Service". Certificates must be enhanced and show "Other workforce /taxi driver" in the position applied for section. Applicants with enhanced DBS certificates showing adult and child workforce roles in the position applied for, may voluntarily provide these to support their application.

3.7.5 The Rehabilitation of Offenders Act 1974 does not apply to taxi driver applicants. Therefore, drivers are obliged to disclose all previous convictions and cautions even those that would normally be considered spent. Protected offences will not be considered when determining any application.

3.7.6 Section 111 of the Local Government Act 1974 allows district councils to send the driver's application form to the Police, (or other authorised body) and request the Chief Officer's observations as to the applicant. Information can only be given to an Authorised Officer of Council.

3.7.7 The Council is bound by rules of confidentiality, and will not divulge information obtained to any third party, other than when legally obliged to do so.

3.7.8 As stated in paragraph 3.7.4, the Council accepts suitable certificates registered on the DBS "Update Service". All information retained to facilitate this new service will be securely stored in compliance with the Data Protection Act 2018. Consent must be provided at the time of application if relying on an Update Service registration.

3.7.9 All licence holders are required to register on the DBS service and maintain their registration during the currency of their licence.

3.8 Relevance of Convictions, Cautions and enforcement action upon initial application

3.8.1 Any application containing convictions, cautions, warnings, or information considered relevant to the application by the Chief Officer of a Police Constabulary, or any evidence of relevant enforcement action that comes to the Council's attention during the application process will be considered at the time of application in accordance with the Relevance of Convictions section of this Policy in **Appendix M.**

3.8.2 In assessing whether the applicant is a 'fit and proper person' to hold a licence, the Council will consider each case on its own merit.

3.9 Convictions, Cautions and enforcement action during any period of licence

3.9.1 It is essential that the public have confidence in using the taxi trade within the District. It is therefore necessary to ensure that driver licence holders have their criminal status checked at regular intervals throughout the currency of their licence as well as upon first application.

3.9.2 The Council requires all driver licence holders who are arrested to report this fact to the Council within 48 hours. A representative may fulfil this requirement if the licence holder is unable to.

3.9.3 The Council requires all driver licence holders who are subsequently convicted, cautioned, or receive a formal warning, or receive a fixed penalty notice for any criminal or motoring offence during the period covered by their existing licence to report this information to the Council within 48 hours of being convicted, cautioned, warned, or receiving a fixed penalty notice.

3.9.4 In the case of a deferred sentence, the penalty must be disclosed to the Council within 48 hours of sentencing. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

3.9.5 Where a licensed driver is convicted, cautioned, warned by the Police, or information considered relevant to the "fit and proper" status of the driver is provided to the Council during the licence period, the matter will be considered at the time of notification in

accordance with the Relevance of Convictions for existing licence holders section of this Policy in **Appendix N**.

3.9.6 Any breaches of relevant legislation or conditions attached to driver, operator and vehicle licences which may come to light following complaints, enforcement action, notification or investigations should also be dealt with following the general principals detailed in Section 5 of this Policy.

3.9.7 Any action taken in relation to the general procedure detailed in Section 5 of this Policy does not compromise the ability to supplement this action with the use of the penalty points system detailed in **Appendix P**.

3.10 DVLA Licence Checking

3.10.1 It will be necessary to provide consent for the Council to obtain a driver's complete driving history from the DVLA:

(i) upon initial application; and
(ii) every 3 years throughout the currency of any issued licence.

It will be necessary to provide an email address on application to facilitate this, as the Licensing Authority will provide an electronic request for consent.

3.10.2 Any anomalies between the DVLA record and the applicant's driving licence will be brought to the attention of the DVLA and the Police, and may result in enforcement action being commenced against a driver licence holder or applicant.

3.11 Application Procedure

3.11.1 An application for a driver licence must be made on the specified application form. The application procedure is set out in **Appendix K**.

3.12 Renewal of Drivers Licences

3.12.1 The Council will undertake to send a renewal reminder to a licence holder's registered email address six weeks prior to the expiry date. However, licence holders are reminded that the responsibility to renew a licence in accordance with this Policy remains their responsibility.

3.12.2 All applications for the renewal of a licence must be made during the renewal period. Once the date of expiry of an existing licence has passed and a valid renewal application form and fee haven't been received, the licence will automatically expire. Expired licences will only be re-instated in exceptional circumstances (Exeter City Council v. Sandle (2011), and applicants will be required to provide their reasons in writing. Whilst a decision is made as to whether the application to renew can be granted, the applicant will not be permitted to drive a licensed vehicle. If the circumstances are not considered exceptional a new licence application will be required, and the licence holder will be required to comply with the entry requirements for a new licence.

3.12.3 Licensees should be aware that it may take up to twenty working days to process and issue a licence once all relevant information and the fee have been received, depending upon the department's workload. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been collected from the Council offices. Licensees are recommended to submit their renewal upon receipt of the reminder, and in every case, no less than one month prior to the expiry date.

3.13 Conditions of Licence

3.13.1 The Council is empowered to attach such conditions to driver's licence as are considered necessary.

3.13.2 It is considered that the specific conditions set out in **Appendix C** and **Appendix D**, and the byelaws set out in **Appendix E** are reasonable, necessary and proportionate.

3.13.3 The penalty point system detailed in **Appendix P** is not a condition of the licence in accordance with section 3.13.2. It is, however, a transparent and consistent method for the Council to determine whether or not a driver meets the "fit and proper person" test.

3.14 Code of Good Conduct

3.14.1 All drivers are required to comply with the licence holder's code of conduct **Appendix I** at all times whilst working.

3.15 Dress Code

3.15.1 All drivers are required to comply with the licence holder's dress code **Appendix J** at all times whilst working.

3.16 Access and Equality

3.16.1 All drivers are required to comply with the customer care standards contained in **Appendix I** at all times whilst working.

3.16.2 Any driver who for medical reasons is unable to accept wheelchair passengers or guide/ registered assistance dogs may apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence. Exemption certificates, issued by the Council, which show the photograph of the driver, must be displayed in the vehicle at all times whilst the exempt driver is driving the licensed vehicle.

3.16.3 <u>Carriage of wheelchairs: medical exemption certificates</u>
Given that the main reason for a hackney carriage or private hire vehicle driver to request a medical exemption is likely to be back or muscle injuries, which are not likely to be conducive to driving for long periods, the Council expect the number of drivers likely to be eligible for an exemption to be low. Drivers will need to provide medical evidence to support their application. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist / consultant medical practitioner and the Council will require evidence of the condition to be provided from them.

3.16.4 <u>Carriage of assistance dogs: medical exemption certificates</u>
The main reasons a hackney carriage or private hire vehicle driver may wish to apply for a medical exemption are:

i) if they have a condition such as severe asthma, that is aggravated by contact with dogs;
ii) if they are allergic to dogs; or
iii) if they have an acute phobia to dogs.

East Cambridgeshire District Council, therefore, expect the number of drivers likely to be eligible for an exemption to be very low. Drivers will need to provide medical evidence to support their application. If a driver has severe asthma or a known allergy to dogs, they are likely to have a medical history and an appropriate medical specialist should hold relevant information about their condition. If a driver has a chronic phobia to dogs, the Council would expect this to be supported by a report from a psychiatrist or clinical psychologist before a driver is granted an exemption.

Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist / consultant medical practitioner and the Council will require evidence of the condition to be provided from them.

3.16.5 Suitable medical professionals: medical exemption certificates
Examples of suitable medical professionals include, but are not limited to:

i) specialist / consultant;
ii) specialist nurse (for example, an asthma nurse);
iii) practice nurses; or
iv) the Council's nominated independent doctor.

In exceptional circumstances, where no other alternatives are available, the Council may consider evidence from the applicant's General Practitioner. The applicant will be responsible for all costs associated in the provision of the necessary medical evidence.

3.16.6 In the absence of a medical exemption certificate from the Council, it would be a criminal offence for any hackney carriage or private hire driver to refuse to carry a passenger in a wheelchair, except in circumstances where it would not be reasonably practicable or safe to accommodate a wheelchair within the licensed vehicle. It would also be considered an offence to make any additional charge for the carriage of the wheelchair.

3.16.7 In the absence of a medical exemption certificate from the Council, it would be a criminal offence for any hackney carriage or private hire driver to refuse to carry an assistance dog, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog.

3.17 Safeguarding

3.17.1 All new licence holders will be required to complete safeguarding training prior to submitting their application. The names of acceptable training providers will be displayed on the Councils taxi driver webpage. If an applicant has an active licence at another licensing authority at the time of applying to this council, and has attended a safeguarding course in support of their active licence, the Council will accept these pass certificates.

3.17.2 The Council reserves the right to send licence holders on refresher training, should they consider it necessary.

3.18 Tax Check

3.18.1 All driver licence applicants must comply with the Governments latest tax check rules, see www.gov.uk for more information.

3.19 National Revocation, Refusals and Suspension Register (NR3S)

3.19.1 All new and renewal driver applications will be subject to a formal search of the NR3S register. Where information is found during this search, any decision to grant or refuse the application will be taken in accordance with the Taxi and Private Hire Vehicle Standards Statutory Guidance and this policy, in particular **Appendices L**, **M** and **N.**

3.19.2 Any formal action resulting in the revocation, refusal or suspension of a driver licence issued by the Council will be uploaded to the NR3S in accordance with the requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, and its accompanying Statutory Guidance issued by the Department for Transport.

PART 4 - PRIVATE HIRE OPERATORS

4.1 Requirements and Obligations

4.1.1 Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a Private Hire Operator's Licence.

4.1.2 The primary objective in licensing private hire operators is the safety of the public, both in the vehicles and at the operator's premises. In addition, the objectives detailed in Section 1.2.2 of this Policy apply.

4.1.3 A private hire vehicle may only be despatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

4.1.4 A private hire operator must ensure that every private hire vehicle has a current private hire vehicle licence and is driven by a person who holds a current private hire driver's licence, and that the vehicle is fit for purpose before being used to fulfil a booking.

4.1.5 All three licences:

(i) private hire operator's licence,
(ii) private hire driver's licence and
(iii) private hire vehicle licence

must be issued by the same Licensing Authority.

4.1.6 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an operator's licence. Where the applicant is a partnership or Limited Company all parties are treated as applicants and must comply with the requirements.

4.1.7 Applicants must have a right to work in the UK, and must produce suitable evidence of this fact in person at the Council Offices.

4.1.8 Applicants for an operator licence must provide proof that planning permission has been obtained, or is not required for the location they wish to licence before an application will be considered.

4.2 Right to work in the UK

4.2.1 All applicants are required to provide proof of their right to work in the UK. No licence can be legally issued unless the Licensing Authority receives this information.

4.2.2 Applicants with a restricted right to work in the UK may be issued with a time or hours restricted licence, and no licence will be permitted to expire beyond the licence holder's right to work expiry date.

4.3 Disclosure and Barring Service (DBS) Disclosures

4.3.1 Private hire operators cannot be legally required to produce an enhanced DBS disclosure, but there is still a "fit and proper" test which must be passed. A "Basic Disclosure" from the DBS, and a certificate of good conduct from the relevant embassy (where the applicant has lived in the UK for less than 5 years) is considered appropriate in promoting the objective of public safety. References may be requested depending upon the applicant's specific circumstances.

4.3.2 Before an application for a private hire operator's licence will be considered, the applicant must provide a current (less than 3 months old) Basic DBS Disclosure of Criminal Convictions (issued specifically for East Cambridgeshire District Council), and a Certificate of Good Conduct from the relevant embassy (where the applicant has lived in the UK for less than 5 years). A new DBS will be required annually whilst licensed. Applicants that hold a current driver licence with the Council will be exempt from this requirement, providing their driver licence DBS is still valid.

4.3.3 Although enhanced DBS certificates cannot be demanded by the Council for operator licences, we are happy to accept them, and we are happy to accept DBS update service certificates.

4.4 Conditions

4.4.1 The Council has power to impose such conditions on a private hire operator's licence as it considers reasonable, necessary and proportionate.

4.4.2 The Council consider the conditions detailed in **Appendix G** to be reasonable, necessary and proportionate. All private hire operator's licences will be issued with these conditions attached.

4.4.3 The Council reserves the right to add conditions to those mentioned in Section 4.4.2 to any licence where it considers it necessary to uphold the objectives mentioned in Section 1.2.2.

4.5 Insurance

4.5.1 It is considered appropriate for a Licensing Authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

4.5.2 Where an applicant has indicated that members of the public will be allowed to enter the bookings office/waiting area, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed before a private hire operator's licence can be granted.

4.5.3 The conditions applicable to Private Hire Operator's Licences, as detailed in **Appendix G**, require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate as well as appropriate public liability insurance for their premises.

4.6 Licence Duration

4.6.1 The Department for Transport considers that annual licence renewal is not necessary or appropriate for private hire operators. The Council will, therefore, issue a successful applicant for a Private Hire Operator's Licence with a one or five year licence from the date of grant, subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances.

4.7 Address from which an Operator may Operate

4.7.1 Upon the grant of an operator's licence, the Council will specify on the licence the address from which the operator may operate. This address will be the address stated on the application form and must be located within the district boundary. Whilst a licence may also state additional addresses relating to the operating business, such as an administrative office, the Council is not authorised to issue operator licences to authorise premises accepting bookings outside of the Council's controlled district. In such cases the operator will need to apply to the Licensing Authority in that area for a licence. The impact of an operation on the local area, and the planning permission status will be considered prior to the issue of a licence. The Council will ordinarily only issue one operator's licence in respect of any single residential property. Where the applicant is an individual, the licence

holder must be registered as residing at that address. Where the applicant is a limited company, at least one director of the company must be registered as residing at the licensed address. The Council may require the production of evidence to verify residency and may refuse an application where it is not satisfied that these requirements are met.

There is no provision in the controlling legislation to transfer the licence to another location, a new application would be required.

4.7.2 The Operator must notify the Council in writing of any change of trading or home address during the period of the licence by submitting the necessary form within seven days of such a change taking place.

4.8 Cross-border hiring

4.8.1 The Deregulation Act 2015 introduced the ability for a licensed private hire operator to pass a booking to a licensed private hire operator in another Council's area. In order to ensure the legislation is observed and no offence is committed the operator taking the initial booking must:

(i) record the booking details as per a normal booking
(ii) ensure that the operator passed the booking uses a licensed vehicle and driver licensed with the same authority who issued their private hire operator licence.
(iii) ensure requirements of 4.13 below are evidenced before passing booking.

4.9 Renewal of an Operator's Licence

4.9.1 The Council will undertake to send a renewal reminder to a licence holder's registered address one month prior to the expiry date. However, licence holders are reminded that the responsibility to renew a licence in accordance with this Policy remains their responsibility.

4.9.2 All applications for the renewal of a licence must be made during the renewal period. Once the date of expiry of an existing licence has passed and a valid renewal application form and fee haven't been received, the licence will automatically expire. Expired licences will only be re-instated in exceptional circumstances (Exeter City Council v. Sandle (2011), and applicants will be required to provide their reasons in writing. Whilst a decision is made as to whether the application to renew can be granted, the applicant will not be permitted to operate. If the circumstances are not considered exceptional a new licence application will be required, and the licence holder will be required to comply with the entry requirements for a new licence.

4.9.3 Licensees should be aware that it may take up to ten working days to process and issue a licence once all relevant information and the fee have been received, depending upon the department's workload. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been collected from the Council offices.

4.10 Access and Equality

4.10.1 All operators are required to comply with the customer care standards contained in **Appendix I**.

4.11 Safeguarding

4.11.1 All new licence holders will be required to complete safeguarding training prior to submitting their application. The names of acceptable training providers will be displayed on the Councils taxi driver webpage. If an applicant has an active licence at another licensing authority at the time of applying to this council, and has attended a safeguarding course in support of their active licence, the Council will accept these pass certificates.

4.11.2 The Council reserves the right to send licence holders on refresher training, should they consider it necessary.

4.12 Gaming Machines

4.12.1 It is a criminal offence to make certain gambling machines available to members of the public without a Gambling Act 2005 permit/licence. Operators who wish to do so are advised to seek independent advice prior to installing any type of machine.

4.13 Staff Register

4.13.1 Operators are required to maintain a register of all staff who take bookings and dispatch vehicles.

4.13.2 Operators are required to check a recent basic DBS for any staff on the register mentioned in paragraph 4.13.1 above.

4.13.3 Operator are required to ensure their employment contracts require all staff on the register mentioned in paragraph 4.13.1 above to notify the operator if they are convicted of an offence.

4.13.4 Operators are required to evidence that comparable safeguards in this section are in place if they sub-contract work to another operator.

4.14 Tax Check

4.14.1 All persons or companies named on an operator licence application, must comply with the Governments latest tax check rules, see www.gov.uk for more information.

PART 5 - DISCIPLINARY AND ENFORCEMENT MEASURES

5.1 Enforcement

5.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire trade.

5.1.2 In pursuing its objective to encourage responsible private hire businesses, the Council will operate a proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in Section 1.2.2 of this Policy. Where defects are such that use of a vehicle needs to be immediately prohibited, or it is considered that in the interests of public safety a person must have their driver licence suspended or revoked with immediate effect livelihood interference is inevitable.

5.1.3 The Council will adhere to the Enforcement Policy and Practice set out at **Appendix O** to ensure that its enforcement is reasonable, transparent and proportionate.

5.1.4 The day to day enforcement of hackney carriage and private hire licensing, including the issuing of penalty points, is a function carried out by an Authorised Officer, however, serious disciplinary matters may be referred to the Licensing (Non-Statutory) Sub-Committee after consultation with the Chair of the Licensing Committee.

5.1.5 For the purpose of Section 5.1.4, serious disciplinary matters will include:

(i) an accumulation of twelve or more penalty points as detailed in **Appendix P**;
(ii) an offence detailed in **Appendix Q** or **Appendix N** of this Policy; or
(iii) any other incident or circumstance that may lead to the suspension of, revocation of, or refusal to renew, a licence

5.2 Penalty Points Scheme

5.2.1 The Council has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards. The Council must do this in a reasonable, consistent and transparent manner.

5.2.2 These standards are defined by legislation and the Council's Hackney Carriage and Private Hire Licensing Policy. Together they identify the Council's requirements of the trade and help to ensure consistent application of these standards by Council Officers.

5.2.3 In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor a licence holder's ability to fulfil the 'fit and proper' test, a penalty points system will be utilised.

5.2.4 The system, as described in **Appendix P**, will serve both as an early warning system to licence holders who fail to meet the Council's required standards, and as a consistent and transparent method of enforcement.

5.2.5 Penalty points remain on a licence for a period of three years from the date on which they are imposed. If a licence holder accumulates twelve or more penalty points within a period of thirty-six months, commencing from the date of imposition of the earliest 'live' penalty points on the licence, they will be referred to the Authorised Officer who may make a decision themselves, or refer the matter to the Licensing (Non-Statutory) Sub-Committee.

5.2.6 The Authorised Officer or the Licensing (Non-Statutory) Sub-Committee will follow the principles detailed in **Appendix O** of this Policy, and have a range of sanctions available, including suspending or revoking the licence, or refusing to renew the licence.

5.2.7 The adoption of the Penalty Points System will not, however, compromise the Council's ability to enforce breaches of statute, or the Council's Hackney Carriage and Private Hire Licensing Policy in the Courts should an offence necessitate such action.

5.3 Range of Powers

5.3.1 Issuing of Verbal Warnings, Simple Cautions, Penalty Points.

As a method of dealing with less serious matters, the Council will issue verbal warnings, penalty points, or simple cautions where appropriate to the circumstances. Minor or first-time transgressions are likely to attract a verbal warning. Repeated or more serious conduct is likely to lead to the issuing of penalty points, or a simple caution, but a simple caution will only be issued when:

- there is sufficient evidence to justify a prosecution;
- the licence holder admits his/her guilt;
- the licence holder agrees to be cautioned.

5.3.2 Suspension

(i) Vehicles

Hackney Carriage and Private Hire vehicles must be kept in an efficient, safe, tidy and clean condition at all times. Compliance with the vehicle specifications and conditions is essential and will be enforced by periodic, random vehicle inspections by the Council. Where following such an inspection it is considered that the vehicle is not fit for purpose a section 68 suspension notice will be served, and it would be considered an offence to use the vehicle for hire and reward purposes until the defects have been remedied, and one of the Council's approved garages has issued a Compliance pass certificate.

The Council may also exercise its discretion to suspend a vehicle licence using a s60 notice where:

(a) the licensed vehicle is unfit for use; or
(b) any offence under, or non-compliance with, the provisions of the Act of 1847, or of this part of this Act by the operator or driver; or
(c) any other reasonable cause

(ii) Drivers

The Council may exercise its discretion to suspend a driver's licence using s61 where the licence holder:

(a) has been convicted of an offence involving dishonesty, indecency, or violence; or
(b) has been convicted of an offence under or has failed to comply with the provisions of the Act of 1847, or of this part of this Act; or
(c) any other reasonable

Where it is considered to be in the interests of public safety, this decision may take immediate effect, regardless of any right of appeal. There is currently no statutory definition of the term public safety for the purposes of this section. In the absence of such, the

Council shall consider if it is in the interests of the public's financial, emotional, and physical safety when making their decision.

(iii) Operators

The Council may exercise its discretion to suspend the operation of an operator's licence using s62 on the following grounds:

(a) any offence under, or non-compliance with, the provisions of this part of this Act;
(b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
(d) any other reasonable cause.

5.3.3 Revocation

The Council may exercise its discretion to revoke a licence using the grounds under s60, s61, or s62 of the Act. If it is considered to be in the public interest the decision to revoke a driver's licence may take immediate effect, regardless of any right of appeal. There is currently no statutory definition of the term public safety for the purposes of this section. In the absence of such, the Council shall consider if it is in the interests of the public's financial, emotional, and physical safety when making their decision.

5.3.4 Refusal to Renew

The Council may exercise its discretion to refuse to renew a licence using the grounds under s60, s61, or s62 of the Act.

5.3.5 Prosecution

When considering whether to commence a prosecution in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy, the Authorised Officer must obtain authorisation from the Legal Services Director, and the Chair of the Licensing Committee.

5.4 Complaints against Drivers, Operators and Proprietors

5.4.1 Complaints against hackney carriage and private hire drivers are relatively low in East Cambridgeshire, however, when received usually relate to charging disagreements, unprofessional behaviour, and driving erratically.

5.4.2 All complaints will be fully investigated, often involving the taking of statements from the complainant, driver and any witnesses.

5.4.3 The investigating officer will consider all evidence and mitigating circumstances arising from the investigation before making a recommendation to an Authorised Officer who will reach a decision in accordance with this Policy.

5.4.4 The outcome of any complaint will be advised to the complainant in the form of a written response.

PART 6 - OFFENCES

6.1 Offences in relation to hackney carriage and private hire vehicles are derived from many pieces of legislation. The main (but not exhaustive) list of offences can be found in **Appendix Q.**

APPENDIX A – HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENCE REQUIREMENTS

1 GENERAL

1.1 All vehicles shall comply in all respects with the requirements detailed in this appendix, unless otherwise stipulated. This is in addition to all requirements of road traffic regulations and legislation relating to all motor vehicles.

1.2 Vehicles shall normally have European Community M1 type approval (M2 may be accepted where the seating capacity does not exceed 8 passengers plus the driver, i.e. 9 seats) and must comply in all respects with:

i) the Motor Vehicle (Type Approval) Regulations 1980 (European Community Whole Vehicle Type Approval); or
ii) the Motor Vehicle (Type Approval) Regulations 1984 (United Kingdom Low Volume Type Approval),

and in use must comply with the Road Vehicles (Construction and Use) Regulations 1986 (all as amended from time to time).

1.3 Motor vehicles which have M type approval (European Community Whole Vehicle Type Approval) and have been modified or have been subject to any alterations since manufacture will be considered provided that they are presented with:

(i) United Kingdom Low Volume / Small Series Type Approval for Passengers Cars; or
(ii) United Kingdom Individual Vehicle Approval (IVA) or Single Vehicle Approval (SVA)

However, United Kingdom Single Vehicle Type Approval will not be accepted where the seats belts fitted to the vehicle are:

(i) not those fitted by the manufacturer and tested in accordance with the vehicle's original type approval, or
(ii) where the vehicle has been fitted with seating / wheelchair tracking which may invalidate the original type approval for any seats fitted to the vehicle, except where evidence is produced by the applicant(s) that this is not the case.

1.4 Motor vehicles which have N type approval (European Community Whole Vehicle Type Approval) will not normally be considered unless they are presented with United Kingdom Low Volume / Small Series Type Approval for Passenger Cars, or an IVA or SVA certificate.

1.5 All vehicles shall:

(i) be capable of carrying no fewer than four and no more than eight passengers, (a smaller number than four passengers may be allowed in non-standard private hire vehicles)
(ii) be fitted with right hand drive (special exemptions apply to stretched limousines, and novelty private hire vehicles)

1.6 Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time.

1.7 If the passenger compartment is isolated from the driver, sufficient means shall be provided by which any person in the vehicle may communicate with the driver.

1.8 All vehicles shall be maintained in sound and roadworthy condition at all times and serviced according to the manufacturer's recommendations.

2 VEHICLE TYPE

2.1 General (all applications)

2.1.1 Left-hand drive vehicles will not be considered for licensing, with the exception of stretched limousines and other non-standard private hire vehicles as detailed in **Appendix B**. In the interests of public safety, passengers travelling in the front passenger seat of licensed vehicles must be able to exit the vehicle directly onto the footway rather than directly onto the carriageway in any event.

2.2 New Applications

2.2.1 All vehicles for new licence applications must be either:

i) a saloon, estate or hatchback type vehicle with at least four side doors (unless applying for a non-standard private hire vehicle licence), or
ii) a purpose-built mini-bus designed to carry not less than four nor more than eight passengers
iii) a purpose build wheelchair accessible vehicle designed to carry not more than 8 passengers

2.3 Renewal Applications

2.3.1 All renewal applications will only be considered where the vehicle attached the licence is the exact same vehicle that was initially licensed. Any changes to the vehicle's specification may result in the refusal of the application if the change is deemed to affect:

i) the identification of the vehicle, or
ii) the safety of any person travelling within the vehicle, or
iii) the ability to insure the vehicle, or
iv) any other justifiable cause

3 ENGINE TYPE

3.1 All new vehicle applications for petrol and diesel powered vehicles (including hybrid engines and LPG conversions), with the exception of 'purpose built wheelchair accessible vehicles' that are eligible to be placed on the council's section 167 wheelchair accessible vehicle list (see paragraph 3.2), must meet or exceed the Euro 6 emissions standards for petrol or diesel powered vehicles, which was introduced in 2015.

3.2 Purpose built wheelchair accessible vehicles eligible to be placed on the s167 (Equality Act 2010) list maintained by the council may still enter the fleet via a new application providing they meet Euro 5 emission standards, and all other requirements, but no such licence will be renewed to enable the licence to extend beyond 13 December 2028.

3.3 All active licences for petrol and diesel powered vehicles (including hybrid engines and LPG conversions) on 13 December 2023 where the vehicle did not meet the standard stipulated in 3.1 received grandfather rights permitting the renewal of the vehicle licence (subject to the vehicle complying with all other vehicle requirements listed in this policy) for a further period of two years where they are currently Euro 3 and 5 years where they are currently Euro 4 and 5. For the avoidance of doubt, no licence with a Euro 3 vehicle will be renewed to enable the licence to expire beyond 13 December 2025, and no licence with a Euro 4 & 5 vehicle will be renewed to enable the licence to extend beyond 13 December 2028.

3.4 During the grandfather rights period mentioned in 3.3 above, where an existing licensed vehicle is written off, or is replaced for any reason of non-compliance, any replacement

vehicle must be no older in age than the vehicle it replaces, and of an equivalent Euro emissions level* and CO_2 rating per km to the vehicle it replaces.

*When considering this level, items V1, V2, V3, V4, V5, V7 on the V5C logbook, and the Euro Status will be taken into account.

4 VEHICLE AGE

4.1 The Council does not have an upper age limit. A licensed vehicle may continue to be licensed provided that it is:

(i) in exceptionally good mechanical condition; and
(ii) is mechanically tested by the Council's authorised garage annually (up to six years of age) and every six months (beyond six years of age) and obtains a pass certificate; and
(iii) is compliant with the standards of appearance for a licensed vehicle in **Appendix H**.

5 DOORS

5.1 All licensed vehicles must have at least one side-opening passenger door in the front compartment and two side opening doors in the rear compartment, which may be opened from the inside and the outside.

5.1.1 Exceptions to this rule will be made where the vehicle is licensed for one passenger, or as a non-standard/novelty licensed private hire vehicle.

5.2 All vehicles must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

6 TYRES

6.1 The licensed vehicle must be fitted with either all radial or all cross-ply tyres, including the spare wheel (if applicable)

6.2 All tyres, including the spare wheel (if applicable), must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.

6.3 Run-flat tyres are acceptable on licensed vehicles.

6.4 'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification.

If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'spacesaver' spare tyre is being used on the vehicle.

6.5 Original Manufacturers' Specification 'tyre repair kits / compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards.

If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.

7 DRIVERS' VEHICLE MIRRORS

7.1 External rear view mirrors must be fitted to both sides of all licensed vehicles.

7.2 All licensed vehicles must have an internal rear-view mirror appropriately fitted in accordance with appropriate legislation and/or manufacturers' specification.

8 INTERIOR DIMENSIONS

8.1 There must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort. Eighty-six centimetres is the minimum requirement.

8.2 There must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort. There must be at least eighteen centimetres between the back of the front seat and the front of the next row of rear seats.

9 SEATS

9.1 Access to every passenger seat must be unobstructed and be easily accessible to passengers without the need for seats to be removed and without the need for more than one passenger to move. All seats must be of consistent height from the foot well.

9.2 Passenger seats must be at least forty-one centimetres wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. Measurements are to be taken laterally along the narrowest part of the seat.

8.3 Unless the Original Manufacturers' Specification states otherwise, the front seat of the vehicle next to the driver will be regarded as a seat for one passenger only.

10 SEAT BELTS

10.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

10.2 In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.

11 PASSENGER CAPACITY

11.1 All licensed vehicles should be capable of carrying not less than one and not more than eight passengers.

11.2 The seating capacity for each licensed vehicle will be determined by the Council in accordance with the requirements of this appendix.

11.3 The vehicle Licence Plate will state the maximum number of passengers applicable to the vehicle.

12 FIRE EXTINGUISHERS

12.1 It is considered by the Council that vehicle fires should only be attended to by professionally qualified Fire-fighters, and that all drivers and passengers should get out, and stay away from the vehicle. Due to this the Council has determined not to require vehicle licence holders to carry fire extinguishers within their vehicle. Hackney Carriage Bye-law 3(h) will not be enforced until such time as it is removed via due process.

13 FIRST AID KIT

13.1 All licensed vehicles must carry a first aid kit suitable for treating minor injuries that complies with the advice of the Health and Safety Executive as a minimum. There is no requirement for a driver to administer first aid treatment. However, the first aid kit should be made available to passengers or any person(s) where appropriate.

13.2 The first aid kit should be stored in such a position so as to be readily available to the driver at all times.

13.3 The first aid kit should be marked with the registration or plate number of the vehicle and replenished as necessary to conform with any product expiry date. This will be checked as part of the Compliance check.

14 VENTILATION

14.1 Windows must be provided to all passenger compartments along with adequate means of opening and closing not less than one window on either side of the vehicle, in both the front and rear passenger compartments.

14.2 Rear passenger windows must be capable of being opened by passengers when seated.

14.2.1 Exceptions to this rule will be made where the window operation is locked for safety reasons, but in such circumstances air-conditioning must be made available.

15 LUGGAGE

15.1 Adequate clean storage for passenger luggage must be available. Luggage carried must be suitably secured in place without obstructing any emergency exits.

15.2 If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover, approved by the Council, to prevent luggage from entering the rear passenger compartments. Exemption from this requirement will only be given where the construction of the vehicle, in the Council's opinion, does not require such a rail or cover.

16 MAINTENANCE AND VEHICLE STANDARDS OF APPEARANCE

16.1 The interior and exterior of the vehicle shall be compliant with the "Vehicle standards of appearance" in **Appendix H** upon application, and remain compliant at all times whilst it remains licensed. Failure to do so may result in refusal of a licence, or the suspension of the licence under Section 60 or Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 until the issue is resolved.

16.2 All licensed vehicles shall be liable to be randomly inspected and tested by Authorised Officers and/or the Police. If it is discovered during an inspection that a vehicle is not being properly maintained, a suspension notice may be served on the owner under Section 60 or Section 68 of the Local Government (Miscellaneous Provisions) Act 1976. This notice will specify the defects and the action required to remedy the problem.

16.3 Failure to comply with the requirements of a S60 or S68 notice will be considered a serious breach of licensing requirements and dealt with accordingly. If the requirements of a S68 notice are not rectified within two months, the vehicle licence can be revoked in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

16.4 A standard licensed vehicle under twelve months of age and with less than 10,000 miles on the clock must be compliance checked on the first-year anniversary of its first registration date (taken from the V5 document). All other vehicles must be tested at an approved garage on application and annually up to the date of its sixth anniversary, and every six months thereafter. Any vehicle not passing a Compliance may be suspended until such time as a pass certificate is provided to the Council.

17 MODIFICATIONS

17.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:

i) compliance with road traffic legislation,
ii) compliance with insurance requirements, and

iii) obtaining approval for the change(s) from the Council

18 LICENCE PLATES

18.1 At all times when a vehicle is licensed, unless an exemption has been granted under Section 18.3 of this Policy, the vehicle must display the Licence Plates provided by the Council. The rear plate should be externally fixed in a prominent position on or above the rear bumper of the vehicle. The two-sided internal plate must be displayed clearly in the front windscreen.

18.2 The Licence Plate remains the property of the Council and must be returned within seven days when:

i) the vehicle ceases to be licensed, or
ii) the licence holder is requested to do so by an Authorised Officer of the Council in writing when the plate is suspended, revoked, or has expired.

18.3 Exemption to the requirements of Section 18.1 of this Policy may be given in certain circumstances to standard private hire vehicles, see section 36 of these requirements. In order to qualify for exemption, a written letter of exemption must be obtained from the Council and carried in the vehicle at all times. The Licence Plate must also be carried in the vehicle in these circumstances. In the absence of an exemption letter in the vehicle, the requirements of Section 18.1 above must be complied with.

18.4 Section 18.1 does not apply to 'restricted private hire vehicles', such vehicles are required to display a two-sided internal plate that must be displayed clearly in the front windscreen so as to be capable of being read from both the inside and outside of the vehicle.

19 SIGNAGE

19.1 A hackney carriage must display a roof sign capable of being illuminated by the taximeter, when available for hire. This sign shall only carry the word "TAXI" on the front and rear.

19.2 When illuminated the front of the roof sign shall appear white, and the rear shall appear red.

19.3 A private hire vehicle must not carry any roof sign of any description or any markings that may give the impression that it is a hackney carriage.

20 ADVERTISING

20.1 No more than two external 3rd party advertisements shall be permitted on licensed vehicles, and they must be identical.

20.2 External commercial advertisements shall be confined to the rear door panels or the rear of the vehicle.

20.3 No advertisement shall obliterate, obscure or be confused with the vehicle's Licence Plate or door stickers.

20.4 Internal advertisements are permitted on the back of the headrests, or via built in monitors placed within the headrests. No other form of internal advertising other than business cards is permitted.

20.5 For the purpose of this section, the display of 'no smoking' signage, CCTV signage, or any other signage, as required by legislation, is not considered to be advertising.

20.6 For the purpose of this section, a sign indicating that the vehicle is able to convey passengers in wheelchairs (provided that the vehicle has been manufactured or properly adapted for that purpose) is not considered to be advertising.

20.7 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community.

20.8 The owner of any vehicle displaying an advertisement that does not conform to this section of the Policy will be required to remove the offending advertisement. Until such time as the offending advertisement has been removed, the vehicle licence will be suspended.

21 COMMUNICATION DEVICES

21.1 All two-way radio equipment must be of a type currently approved by the Radio Communications Agency.

21.2 All radio equipment fitted to the vehicle must be fitted securely and in accordance with guidelines for the time being published by the Radio Communications Agency.

21.3 Only one two-way radio may be operational in the vehicle at any one time and this shall be an approved licensed radio used exclusively for the licensed vehicle.

21.4 The use of a Citizen Band (CB) transmitter or receiver is prohibited.

21.5 The use of radio scanning devices is prohibited and such devices must not be fitted or carried in the vehicle.

21.6 Drivers relying on mobile phones as their communication device shall ensure that the phone is connected to a Bluetooth device to enable hands free operation. Nothing in this section overrides the law regarding the use of mobile phones whilst driving on a public highway.

22 METERS

22.1 All Hackney Carriages are required to maintain a fully functioning taximeter calibrated to the Council's authorised tariff. This must be used at all times, (unless the journey commences or ends outside the Council district or the even when fulfilling private hire work.

22.2 Private hire vehicles are not required by law to be fitted with a taximeter. However, where a taximeter or other device for recording fares is fitted, a calibration certificate must be submitted after every fare increase, and a tariff card must be displayed in the vehicle.

22.3 Where a meter is not used Private Hire drivers must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed.

23 TRAILERS

23.1 Trailers may only be used with the prior approval of the Council and subject to the following requirements:

(i) The driver's DVLA driving licence must cover the categories that allow the towing of trailers, currently 'BE' for cars and 'D1E' for a minibus, as amended by any subsequent legislation;

(ii) The trailer must at all times comply with all requirements of road traffic legislation, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;

(iii) The trailer must be presented for inspection at a Council approved garage, with the licensed vehicle it is to be used with, the cost of which is to be borne by the proprietor of the vehicle;
(iv) The vehicle insurance must include cover the towing of a trailer;
(v) A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use;
(vi) A suitable tow-bar, with working electrics must be fitted to the vehicle;
(vii) Trailers must not be left unattended anywhere on the highway;
(viii) No advertising shall be permitted anywhere on the trailer;
(ix) A spare wheel is carried at all times;
(x) The trailer must be plated by the manufacturer stating the maximum load permitted
(xi) The speed restrictions applicable to trailers must be observed at all times;
(xii) Trailers must undergo any inspection required by the Council;
(xiii) Trailers must display an identical Licence Plate to the licensed vehicle at all times when attached to the licensed vehicle. The Council may charge an administrative fee for the duplicate plate

24 DISABILITY ACCESS

24.1 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

25 VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)

25.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certification is required to ensure that the vehicle is considered safe by an approved inspector.

25.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Alternatively, if the vehicle is fitted with 'run-flat' tyres, or is equipped with a suitable tyre inflation device exemption from carrying a spare wheel will be granted.

26 TINTED WINDOWS

26.1 The front windscreen, front driver's side window and front passenger's side window must be compliant with the current legal limit at any given time. The current limits are: 75% front windscreen, 70% front passenger and driver side windows before a licence will be considered. This percentage figure is the level of light able to pass through the glass.

27 INSURANCE

27.1 There shall be a policy of insurance, or such security as complies with the requirements of Part IV of the Road Traffic Act 1972, at all times during the duration of the vehicle licence. Under no circumstances will a vehicle licence be issued or renewed without proof that this section has been complied with.

27.2 The registered owner of the licensed vehicle shall ensure that the vehicle is adequately insured to the satisfaction of the Council and all relevant legislation at all times that it is available for the carrying of passengers.

27.3 At any time when the requirements of this section of the Policy have not been satisfied, the vehicle licence will be automatically suspended until such time as adequate insurance has been obtained.

27.4 As case law has established that a vehicle licensed as a private hire vehicle remains a licensed vehicle at all times until the licence expires or is surrendered, or revoked only appropriately licensed private hire drivers may drive the vehicle. The Council will not, therefore, accept any certificate of insurance that contains persons that do not hold a valid private hire driver's licence (as appropriate) for the vehicle.

28 CHANGES

28.1 Any change affecting a vehicle licence must be notified within seven days of such change, to the Licensing Officer.

28.2 When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Council, in writing, using the prescribed application form and paying the appropriate fee before such change takes place.

Transfer of the licence will not be granted until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.

29 INSPECTION

29.1 All licensed vehicles must be available for inspection at all times when requested by an Authorised Officer of the Council or a Police Officer.

29.2 All vehicle documentation must be produced within 24 hours, or such other time as specified, when requested by an Authorised Officer of the Council or a Police Officer.

30 UNAUTHORISED USE

30.1 The proprietor of a licensed vehicle shall not allow the vehicle to be driven and used for hire by any person who does not hold an appropriate current joint hackney carriage and private hire driver's licence issued by the Council.

30.2 For the avoidance of doubt, case law has established that once licensed as a hackney carriage or private hire vehicle, the vehicle remains a licensed vehicle at all times until the licence expires, is surrendered, or is revoked. Even if a licensed vehicle is being used for private purposes, it must still meet all the requirements of a licensed vehicle, for example displaying a Licence Plate and being driven by a licensed driver.

31 ACCIDENT REPORTING

31.1 In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a licensed vehicle causing damage materially affecting:

i) the safety, performance or appearance of the vehicle, or
ii) the comfort or convenience of the passengers,

must be reported to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, regardless of whether any party was injured.

31.2 Where, following an accident or damage to a licensed vehicle as defined in Section 31.1, and it is the intention of the owner or operator to continue licensed use, the vehicle must immediately be inspected by the Council's approved garage (at the owner's or operator's expense) to determine its fitness for continued use. It is the responsibility of the licence holder to notify the Council that this requirement has been satisfied (minor cosmetic damage may be inspected by an Officer at the Council Offices). If the Council's approved

garage determines that the vehicle is fit for continued use, the time-scale for cosmetic repairs must be agreed with an Authorised Officer. The Council may suspend the use of a licensed vehicle until it is suitably repaired and conforms to the requirements of this Policy.

31.3 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided:
(i) the damage to, or defect in, the vehicle has been reported;
(ii) an application is made in the prescribed manner for a change of vehicle;
(iii) the replacement vehicle meets the requirements of the Council's Private Hire Licensing Policy and is suitable to be used for hire purposes;

32 CCTV

32.1 The proprietor of a licensed vehicle shall ensure that no CCTV system is used in the vehicle unless it complies with data protection laws and all cameras are mounted at a level equal to or greater than the level of the dashboard and are directed at face height.

33 DUAL PLATING

33.1 A vehicle licensed with the Council must not subsequently be licensed with any other Licensing Authority during the currency of the licence.

33.2 Vehicles found to be licensed with another Licensing Authority will be suspended until such time as section A32.1 is not being breached.

34 MISCELLANEOUS

34.1 The proprietor of a licensed vehicle shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose.

34.2 Nothing in this appendix shall be interpreted as overriding the provisions of:

i) the Town Police Clauses Act 1847, as amended;
ii) the Local Government (Miscellaneous Provisions) Act 1976, as amended;
iii) the Transport Act 1986, as amended.

35 INTERIM DOCUMENTS

35.1 Insurance, compliance check, taximeter and road tax must provide continuous cover throughout the currency of any licence, and all required proof shall be deposited with the Council's licensing section as and when required to fulfil this condition.

35.2 An exemption to 35.1 may be offered where the licence holder notifies the Council via the prescribed form that the vehicle will be off the road, and returns the plates to the Council, see section 2.22.2 of this Policy.

36 EXECUTIVE PRIVATE HIRE EXEMPTION (SEE ALSO PART II - SECTION 2.23)

36.1 To be considered eligible for an exemption notice under section 75(3) of "the 1976 Act" a vehicle is required to have:

i) an engine size of 2000cc or greater, or equivalently powered electric or hybrid.
ii) seats of adequate dimension
iii) direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat.
iv) an original list price of at least £50,000 in spite of its age on application.
v) a minimum specification of two zone electronic climate control, all electric windows, central locking and suitable front and rear headrests for each passenger.
vi) an age of less than 10 years and be capable of meeting all standard vehicle requirements on first application, and will not be permitted to exceed 15 years of age unless

they remain in showroom condition both inside and out, in addition to complying with all other relevant vehicle requirements and conditions.

37 HEALTH ACT 2006

37.1 It is the responsibility of the driver, the vehicle proprietor, and the operator to ensure no smoking signage, as prescribed by the Health Act 2006, is displayed in the licensed vehicle at all times.

38 DBS CHECK

38.1 All applicants for a vehicle licence must provide a basic DBS no older than 3 months and annually thereafter, unless they are a licensed driver with the Council.

39 DISPENSATION

39.1 The Director (Legal Services) may, in exceptional circumstances, dispense with or amend any of the requirements detailed within this appendix. In doing so, the reasons for granting such a dispensation must be fully explained.

APPENDIX B - ADDITIONAL REQUIREMENTS FOR LICENSING NON-STANDARD PRIVATE HIRE VEHICLES (LIMOUSINES, AND NOVELTY VEHICLES)

All requirements in **Appendix A** will apply to Limousines, and novelty vehicles, unless they conflict with the requirements in this appendix. In such cases the requirements in this appendix take precedence.

1 Left Hand Drive

1.1 Left-hand drive will be permitted.

2 Seating

2.1 Side and rear facing seating will be permitted.

2.2 Seats which are not of a consistent height will be permitted.

2.3 All front and rear facing seats must be fitted with seatbelts.

2.4 All passengers must remain seated at all times when the vehicle is in motion.

2.5 No passengers are permitted to sit in the front seats of a vehicle defined as a Limousine.

3 Roadworthiness

3.1 All vehicles must hold a Single Vehicle Approval (SVA) or Individual Vehicle Approval (IVA) certificate.

4 Insurance

4.1 Written confirmation from the insurance company must be provided with all applications stating that they are aware of the vehicles intended use and unique specification.

5 Vehicle testing and appearance

5.1 Given the fact that all vehicles within this section are modified from standard, it is considered necessary on public safety grounds for all vehicles to be tested by one of the Council's approved garages every six months regardless of the age of the vehicle.

6 Passenger Safety

6.1 Where the passengers in the vehicle consist of persons under the age of 14 years they will be accompanied by a responsible adult, other than the driver, who is over the age of 18 years.

6.2 No customers under the age of 18 shall be conveyed in the Limousine or Novelty vehicle unaccompanied.

6.3 Customers must be able to communicate with the driver throughout the journey.

7 Luggage

7.1 No luggage may be carried within the passenger compartment

8 Glass Breaking Tool

8.1 Where the vehicle has moulded windows, a glass breaking tool must be stored within the driver's compartment.

9 Vehicle Licence Plates

9.1 The vehicle licence plate must be securely fixed in the boot of the vehicle. The internal two sided plate must be displayed in the front windscreen at all times.

9.2 The exemption certificate provided with the paper licence must be kept within the driver's compartment at all times, and must be produced when requested by an Authorised Officer, or a Police Officer.

10 Decommissioned Vehicle Markings

10.1 Novelty vehicles based on decommissioned Military or Emergency Response vehicles must have all official markings removed, and the lights and/or siren deactivated.

11 CCTV

11.1 All Limousines and Novelty Vehicles where the windows will be fully tinted must be fitted with CCTV that complies with data protection laws. All cameras must be mounted at a level equal to or greater than the level of the dashboard, and be directed at face height.

APPENDIX C – STANDARD PRIVATE HIRE DRIVER LICENCE CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ("the 1976 act")
The following requirements and conditions are made by East Cambridgeshire District Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

These conditions should be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

DEFINITIONS
In these Conditions:

"the Application" shall mean the application made by the Licensee for the grant of the licence

"Authorised Officer" shall mean a Licensing Officer of the Council's Legal Services Department or any other officer authorised in accordance with the Council's Constitution.

"the Council" shall mean East Cambridgeshire District Council

"the Hirer" shall mean any person or persons who from time-to-time hires or books the Vehicle

"the Licensee" shall mean the person(s) named in the Licence

"the Operator" shall mean any person or company or partnership licensed by the Council to operate private hire vehicles

"the Vehicle" shall mean any standard private hire vehicle licensed by the Council

1 GENERAL

1.1 The licensee shall ensure that he or she complies in all respects with the requirements of any Act and regulations affecting the operation of private hire vehicles and motor vehicles, these conditions and any code of practice (policy) implemented by the Council.

2 MAINTENANCE OF THE VEHICLE

2.1 The licensee shall:

- Ensure that the vehicle to be driven by him or her is in a roadworthy condition, thoroughly cleansed; all equipment fittings and fixtures are present and serviceable and comply with the conditions attached to the licence relating to the vehicle before commencement of any journey.
- Record details of checks and inspections in the record book provided by the proprietor of the vehicle.
- Report any defect discovered by the licensee to the proprietor of the vehicle.

3 CONDUCT OF THE LICENSEE

3.1 The licensee shall at all times comply with the requirements of the driver code of conduct contained in **Appendix I** and the dress code for licensed drivers contained in **Appendix J** of the taxi and private hire licensing policy. Failure to do so will be considered a breach of condition.

4 TAXIMETER

4.1 If the vehicle to be driven by the licensee is fitted with a taximeter, he or she shall not drive the vehicle as a private hire vehicle unless the taximeter is in working condition and has been sealed by a company with a calibration certificate being held by the Council. If the vehicle being driven by the licensee is fitted with a taximeter, he or she shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

4.2 The licensee shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof, or with the seals affixed thereto. The licensee shall ensure that when the vehicle is not in use the taximeter is switched off

5 WRITTEN RECEIPT

5.1 The licensee shall, if requested by the hirer, provide a written receipt for the fare paid.

6 ACCIDENTS AND DAMAGE TO THE VEHICLE

6.1 The licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident using the form issued by the Council. In the interests of public safety the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council.

6.2 In the interests of public safety the Licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer or a new compliance certificate has been obtained where appropriate as considered by the Council on receipt of the reported details of the incident.

7 PROMPT ATTENDANCE

7.1 The licensee, when it is agreed that the vehicle has been hired, shall be in attendance with the vehicle at the appointed time and place and shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place. Prior to collecting the hire the licensee shall ensure that he or she is aware of the destination and how to reach the destination.

8 DRIVER'S IDENTITY BADGE

8.1 The licensee shall wear or clearly display the driver's identity badge issued by the Council in a position where it may be seen at all times. The licensee shall return the identity badge forthwith upon termination of the licence, whether such termination is through suspension, surrender, revocation or normal expiry. A deposit shall be payable prior to the issue of the badge. This will be refunded only upon surrender of the licence.

9 PROXIMITY TO AN AUTHORISED RANK

9.1 The licensee shall not wait or park on the public highway within 75 metres of an authorised hackney carriage rank.

10 FARES AND FARE TABLE

10.1 The driver shall not demand from any hirer 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 taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter. The driver shall not demand any fare higher than that shown on the face of the taximeter.

10.2 The licensee shall cause any statement of fares provided by the operator to be exhibited inside the vehicle, in clearly distinguishable letters and figures.

11 SEAT BELTS

11.1 The driver shall comply with seat belt laws at all times, and shall ensure that all passengers also comply at all times.

12 PASSENGERS

12.1 The licensee 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
- Without the consent of the hirer convey or permit to be conveyed any other person in the vehicle.
- Allow to be conveyed in the front of the vehicle:
  - Any child below the age of three years
  - More than one person above the age of three years, unless the vehicle is constructed or adapted to carry more than one passenger
  - An infant in arms

12.2 The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

13 CARRIAGE OF ANIMALS

13.1 The licensee shall not permit any animal belonging to them or under their care to ride in the vehicle when using the vehicle for private hire.

13.2 The licensee shall not refuse any request to carry an assistance/guide dog, accompanying a person with a disability unless the licensee has been exempted from this requirement by the Council.

13.3 The licensee shall not refuse any reasonable request to carry an animal belonging to the hirer in the rear of the vehicle.

14 PRIVATE HIRE VEHICLE OPERATOR

14.1 The Licensee shall not use the vehicle for private hire unless the bookings are invited and accepted by a licensed operator within the district, or have been passed to them by a licensed East Cambridgeshire operator via an operator licensed and based in another district.

14.2 The licensee shall notify the authorised officer in writing of the name and address of the operator he or she is permitted or employed to drive for within seven days from the date he or she commenced driving for that operator. If the licensee ceases driving for the operator, he or she shall notify the authorised officer in writing that he or she has ceased driving for the operator within seven days.

15 DEPOSIT OF LICENCE

15.1 The driver shall deposit a copy of his or her paper licence with the vehicle licensee/proprietor and operator before commencing to drive the vehicle.

16 INSURANCE

16.1 The driver of a licensed private hire vehicle shall ensure that he or she is covered by a valid fully comprehensive insurance policy for private hire purposes which includes legal liability for passengers before commencing to drive the vehicle and shall ensure that they do not act in any way which might invalidate the insurance. The Licensee shall on being requested to do so produce the insurance certificate to a Police Officer or an Authorised Officer.

17 LOST PROPERTY

17.1 The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein.

17.2 The licensee shall take any property accidentally left in the vehicle or handed to him or her to a Police Station within the East Cambridgeshire District boundary, and leave it in the custody of the officer in charge and obtain a receipt. Such property if not sooner claimed by the owner must be taken to a police station within 48 hours of the property being found.

18 INSPECTIONS

18.1 The licensee shall not obstruct the authorised officer or any police officer from carrying out any inspection or test of the vehicle.

19 MEDICAL FITNESS

19.1 Drivers must maintain a fitness level required to pass a Group II medical at all times whilst licensed.

19.2 All drivers are subject to the Council's medical checking requirements contained in its adopted hackney carriage and private hire policy.

19.3 The licensee shall notify the authorised officer in writing as soon as possible, and in any event not later than seven days of any illness or injury affecting his or her fitness to drive in any way.

20 CONVICTIONS AND DVLA DRIVING LICENCE

20.1 The licensee shall immediately (within 48 hours) disclose to the authorised officer in writing if they are arrested, cautioned, convicted of any offence (including motoring offences), or receive a Police warning during the currency of their licence. The licensee's representative must fulfil this requirement if the driver is detained. Fixed penalty notices shall be reported to the authorised officer in writing upon acceptance from the police officer, as opposed to when the driving licence has been updated.

20.2 The licensee shall make his or her DVLA/EU driving licence and a DVLA code available for inspection by the operator, the authorised officer or a police officer upon request.

21 CHANGE OF PERSONAL DETAILS

21.1 The licensee shall immediately (within seven days) notify the authorised officer in writing of any change in his or her personal details. Changes shall include, changes of address, name status, phone number, mobile number, and e-mail address.

22 COPY OF THE LICENCE AND CONDITIONS

22.2 The licensee shall at times when driving the vehicle carry with him or her a copy of the licence including these conditions and shall make it available for inspection by the hirer, any other passenger, the authorised officer or a police officer upon request.

23 OTHER OFFENCES

23.1 The licensee shall be guilty of an offence if he or she:

- wilfully obstructs an authorised officer acting in pursuance of Part II of the 1976 or the Town Police Clauses Act 1847;
- fails to comply with any requirements made to him or her by the authorised officer;
- without reasonable cause fails to give the authorised officer any other assistance or information which he may require for the performance of his or her functions.

24 VARIATION OF CONDITIONS

24.1 The Council reserves the right to vary, delete or waive any of these conditions.

25 CCTV IN VEHICLES

25.1 The licensee shall ensure that they do not drive a licensed vehicle with CCTV that does not comply with data protection legislation, and where all cameras are not mounted at a level equal to or greater than the level of the dashboard and are directed at face height.

26 SMOKING

26.1 The driver will not permit smoking (smoking includes vaping, or the use of any other apparatus capable of producing smoke) in the licensed vehicle they are driving at any time.

27 TUK TUKS

27.1 The Licensee shall not drive a licensed Tuk Tuk unless they hold a full A1 motorcycle licence.

28 DBS UPDATE SERVICE

28.1 The licensee shall ensure that they maintain registration with the DBS update service whilst licensed with the Council.

29 RIGHT OF APPEAL

29.1 If aggrieved by any of these conditions, the licensee may appeal to a Magistrates' Court within twenty-one days of the issue of the licence to the licensee.

APPENDIX D – RESTRICTED PRIVATE HIRE DRIVER LICENCE CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ("the 1976 act")
The following requirements and conditions are made by East Cambridgeshire District Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

These conditions should be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

DEFINITIONS
In these Conditions:

"the Application" shall mean the application made by the Licensee for the grant of the licence

"Authorised Officer" shall mean a Licensing Officer of the Council's Legal Services Department or any other officer authorised by the Council's Constitution.

"the Council" shall mean East Cambridgeshire District Council

"the Hirer" shall mean any public body who from time-to-time hires or books the Vehicle.

"the Licensee" shall mean the person(s) named in the Licence

"the Operator" shall mean any person or company or partnership licensed by the Council to operate private hire vehicles

"the Vehicle" shall mean any restricted private hire vehicle licensed by the Council

1 GENERAL

1.1 The licensee shall ensure that he or she complies in all respects with the requirements of any Act and regulations affecting the operation of private hire vehicles and motor vehicles, these conditions and any code of practice (policy) implemented by the Council.

1.2 The licensee shall not drive any licensed vehicle other than a restricted private hire vehicle licensed by the Council

1.3 No bookings other than fixed route school, social care, or health care contract booking, where the contract has been issued and directly funded by a public authority, Government recognised "not for profit" educational establishment, or NHS Trust, and the booking has been dispatched by a the operator holding that contract at a time you remain an employee of theirs, can be fulfilled under this licence.

2 MAINTENANCE OF THE VEHICLE

2.1 The licensee shall:

- Ensure that the vehicle to be driven by him or her is in a roadworthy condition, thoroughly cleansed; all equipment fittings and fixtures are present and serviceable and comply with the conditions attached to the licence relating to the vehicle before commencement of any journey.
- Record details of checks and inspections in the record book provided by the proprietor of the vehicle.

- Report any defect discovered by the licensee to the proprietor of the vehicle.

3 CONDUCT OF THE LICENSEE

3.1 The licensee shall at all times comply with the requirements of the driver code of conduct contained in **Appendix I** and the dress code for licensed drivers contained in **Appendix J** of the taxi and private hire licensing policy. Failure to do so will be considered a breach of condition.

4 ACCIDENTS AND DAMAGE TO THE VEHICLE

4.1 The licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident using the form issued by the Council. In the interests of public safety the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council.

4.2 In the interests of public safety the Licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer or a new compliance certificate has been obtained where appropriate as considered by the Council on receipt of the reported details of the incident.

5 PROMPT ATTENDANCE

5.1 The licensee, when it is agreed that the vehicle has been hired, shall be in attendance with the vehicle at the appointed time and place and shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place. Prior to collecting the hire the licensee shall ensure that he or she is aware of the destination and how to reach the destination.

6 DRIVER'S IDENTITY BADGE

6.1 The licensee shall wear or clearly display the driver's identity badge issued by the Council in a position where it may be seen at all times. The licensee shall return the identity badge forthwith upon termination of the licence, whether such termination is through suspension, surrender, revocation or normal expiry. A deposit shall be payable prior to the issue of the badge. This will be refunded only upon surrender of the licence.

7 PROXIMITY TO AN AUTHORISED RANK

7.1 The licensee shall not wait or park on the public highway within 75 metres of an authorised hackney carriage rank.

8 SEAT BELTS

8.1 The driver shall comply with seat belt laws at all times, and shall ensure that all passengers also comply at all times.

9 PASSENGERS

9.1 The licensee 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
- Without the consent of the hirer convey or permit to be conveyed any other person in the vehicle.
- Allow to be conveyed in the front of the vehicle:
  - Any child below the age of three years
  - More than one person above the age of three years, unless the vehicle is constructed or adapted to carry more than one passenger
  - An infant in arms

9.2 The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

10 CARRIAGE OF ANIMALS

10.1 The licensee shall not permit any animal belonging to them or under their care to ride in the vehicle when using the vehicle for private hire.

10.2 The licensee shall not refuse any request to carry an assistance/guide dog, accompanying a person with a disability unless the licensee has been exempted from this requirement by the Council.

10.3 The licensee shall not refuse any reasonable request to carry an animal belonging to the hirer in the rear of the vehicle.

11 PRIVATE HIRE VEHICLE OPERATOR

11.1 The Licensee shall not use the vehicle for private hire unless the booking is provided to them by the licensed operator at a time when they remained directly employed with that operator.

11.2 The licensee shall notify the authorised officer in writing of the name and address of the operator he or she is permitted or employed to drive for within seven days from the date he or she commenced driving for that operator. If the licensee ceases driving for the operator, he or she shall notify the authorised officer in writing that he or she has ceased driving for the operator within seven days.

12 DEPOSIT OF LICENCE

12.1 The driver shall deposit a copy of his or her paper licence with the vehicle licensee/proprietor and operator before commencing to drive the vehicle.

13 INSURANCE

13.1 The driver of a licensed vehicle shall ensure that he or she is covered by a valid fully comprehensive insurance policy for private hire purposes which includes legal liability for passengers before commencing to drive the vehicle and shall ensure that they do not act in any way which might invalidate the insurance. The Licensee shall on being requested to do so produce the insurance certificate to a Police Officer or an Authorised Officer.

14 LOST PROPERTY

14.1 The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein.

14.2 The licensee shall take any property accidentally left in the vehicle or handed to him or her to a Police Station within the East Cambridgeshire District boundary, and leave it in the custody of the officer in charge and obtain a receipt. Such property if not sooner claimed by the owner must be taken to a police station within 48 hours of the property being found.

15 INSPECTIONS

15.1 The licensee shall not obstruct the authorised officer or any police officer from carrying out any inspection or test of the vehicle.

16 MEDICAL FITNESS

16.1 Drivers must maintain a fitness level required to pass a Group II medical at all times whilst licensed.

16.2 All drivers are subject to the Council's medical checking requirements contained in its adopted hackney carriage and private hire policy.

16.3 The licensee shall notify the authorised officer in writing as soon as possible, and in any event not later than seven days of any illness or injury affecting his or her fitness to drive in any way.

17 CONVICTIONS AND DVLA DRIVING LICENCE

17.1 The licensee shall immediately (within 48 hours) disclose to the authorised officer in writing if they are arrested, cautioned, convicted of any offence (including motoring offences), or receive a Police warning during the currency of their licence. The licensee's representative must fulfil this requirement if the driver is detained. Fixed penalty notices shall be reported to the authorised officer in writing upon acceptance from the police officer, as opposed to when the driving licence has been updated.

17.2 The licensee shall make his or her DVLA registered driving licence and a DVLA code available for inspection by the operator, the authorised officer or a police officer upon request.

18 CHANGE OF PERSONAL DETAILS

18.1 The licensee shall immediately (within seven days) notify the authorised officer in writing of any change in his or her personal details. Changes shall include, changes of address, name status, phone number, mobile number, and e-mail address.

19 COPY OF THE LICENCE AND CONDITIONS

19.2 The licensee shall at times when driving the vehicle carry with him or her a copy of the licence including these conditions and shall make it available for inspection by the hirer, any other passenger, the authorised officer or a police officer upon request.

20 OTHER OFFENCES

20.1 The licensee shall be guilty of an offence if he or she:

- wilfully obstructs an authorised officer acting in pursuance of Part II of the 1976 or the Town Police Clauses Act 1847;
- fails to comply with any requirements made to him or her by the authorised officer;
- without reasonable cause fails to give the authorised officer any other assistance or information which he may require for the performance of his or her functions.

21 VARIATION OF CONDITIONS

21.1 The Council reserves the right to vary, delete or waive any of these conditions.

22 CCTV IN VEHICLES

22.1 The licensee shall ensure that they do not drive a licensed vehicle with CCTV that does not comply with data protection legislation, and where all cameras are not mounted at a level equal to or greater than the level of the dashboard and are directed at face height.

23 SMOKING

23.1 The driver will not permit smoking (smoking includes vaping, or the use of any other apparatus capable of producing smoke) in the licensed vehicle they are driving at any time.

24 DBS UPDATE SERVICE

24.1 The licensee shall ensure that they maintain registration with the DBS update service whilst licensed with the Council.

25 RIGHT OF APPEAL

25.1 If aggrieved by any of these conditions, the licensee may appeal to a Magistrates' Court within twenty-one days of the issue of the licence to the licensee.

APPENDIX E – HACKNEY CARRIAGE DRIVER BYELAWS

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE Tel: (01353) 665555

BYELAWS
With respect to
HACKNEY CARRIAGES
made under Section 68 of the Town Police Clauses Act,1847 and Section 171 of the Public Health Act, 1875, by East Cambridgeshire District Council with respect to Hackney Carriages in the East Cambridgeshire District
February 2007

INTERPRETATION

1. Throughout these byelaws "the Council" means East Cambridgeshire District Council and "the district" means the administrative area of the East Cambridgeshire district.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall:

(i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
(ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall:

(a) provide sufficient means by which any person in the carriage may communicate with the driver;
(b) cause the roof or covering to be kept watertight;
(c) provide any necessary windows and a means of opening and closing not less than one window on each side;
(d) cause the seats to be properly cushioned or covered;
(e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
(f) cause the fittings and furniture generally to be kept in a clean condition, well

maintained and in every way fit for public service;

(g) provide means for securing luggage if the carriage is so constructed as to carry luggage; and

(h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.

4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:

(a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;

(b) 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;

(c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a 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 time as well as for distance in pursuance of the tariff fixed by the Council;

(d) the word FARE, shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

(e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES.

5. The driver of a hackney carriage provided with a taximeter shall:

(a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare in recorded on the face of the taximeter;

(b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other

device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and

(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:

(a) proceed with reasonable speed to one of the stands appointed by the Council;

(b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

(c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and

(d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. A proprietor or driver of a hackney carriage when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by the person hiring or seeking to hire the carriage:

(a) convey a reasonable quantity of luggage;

(b) afford reasonable assistance in loading and unloading; and

(c) afford reasonable assistance in removing it to and from the entrance of any building, station or place at which he may be take up or set down such person.

PROVISION FIXING RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATION OF SUCH FARES

14. (i) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

(ii) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter

15. (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage in clearly distinguishable letters and figures

(ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

PROVISIONS FOR SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

(a) carry it as soon as possible, and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and

(b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare from the distance from the place of finding to the office of the Council, whichever be

the greater) but not more than five pounds.

PENALTIES

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

REPEAL OF BYELAWS

19. The byelaws relating to hackney carriages which were made by the Council on the 31st day of March 1993 and which were confirmed by the Secretary of State on the 4th day of May 1993 are hereby repealed.

The COMMON SEAL of
EAST CAMBRIDGESHIRE DISTRICT
COUNCIL was hereunto affixed
this 15th day of February 2007

Chairman

Head of Legal Services/Chief Executive

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into force on the 25 ~~28~~ day of ~~MARCH~~ April 2007

28/3/07

Signed by authority of the Secretary of State.

APPENDIX F - HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE CONDITIONS

TOWN POLICE CLAUSES ACT 1847 ("the 1847 Act")
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ("the 1976 Act")
The following requirements and conditions are made by East Cambridgeshire District Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) and the Town Police Clauses Act 1847 to ensure efficient and effective regulation of hackney carriage and private hire vehicle use and to ensure that proper vehicular standards are maintained in the interests of public safety.

These conditions should be read in conjunction with "the 1847 Act" and "the 1976 Act", and other relevant legislation.

DEFINITIONS
In these Conditions:

"the Application" shall mean the application made by the Licensee for the grant of the licence

"Authorised Officer" shall mean a Licensing Officer of the Council's Legal Services Department or any other officer authorised by the Council's Constitution.

"the Council" shall mean East Cambridgeshire District Council

"the Licensee" shall mean the person(s) named in the Licence

"the Operator" shall mean any person or company or partnership licensed by the Council to operate private hire vehicles

"the Vehicle" shall mean any vehicle licensed by the Council

1.0 GENERAL

1.1 In order to be obtain a licence all vehicles must meet the requirements of the Council's hackney carriage and private hire licensing policy. These conditions apply whilst the licence remains active, and the licence holder must ensure that they comply with them at all times.

1.2 These vehicle conditions do not seek to override the requirements of road traffic legislation, which apply to all motor vehicles. Thus, all licence holders must ensure that they observe all relevant road legislation in addition to, or alongside these conditions.

1.3 The council may alter any of these conditions as it sees fit, and will notify the proprietor of any changes to the conditions. The changes will come into effect as soon as the proprietor has been notified of them.

1.4 Any notice which the council has to serve under this licence or under any of the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 or the Local Byelaws shall be deemed to have been properly served if sent by post to or left at the last known address of the holder of this Licence, or has been emailed to the email address provided on the relevant application form.

1.5 This licence is specific to the vehicle licensed and will remain current for a period of six months or one year unless it is suspended or revoked under any statutory or other provision.

2.0 CONSTRUCTION AND APPEARANCE

2.1 The Licensee shall ensure that the vehicle is not modified in any way from the vehicle presented at the time the licence was initially issued.

2.2 The Licensee shall ensure that the interior and exterior of the vehicle meets the standards of appearance of a licensed vehicle" conditions contained in **Appendix H** of the hackney carriage and private hire licensing policy at all times whilst the vehicle remains licensed.

3.0 MAINTENANCE

3.1 The Licensee shall ensure the Vehicle is kept in a mechanically sound condition, and is presented for testing annually where the vehicle is up to six years of age, and every six months where the vehicle is over six years of age.

3.1.1 Condition 3.1 shall read every six months regardless of the Vehicle's age, when the Vehicle is a Limousine, non-standard, or novelty Vehicle.

3.2 The Licensee shall check the vehicle is roadworthy, and is compliant with these conditions every day before they use the vehicle for hire and reward purposes. Where the Licensee is not the driver, the Licensee shall ensure the driver completes these checks.

3.3 The Licensee or the driver shall record these daily checks have been completed in a record book to be kept in accordance with Condition 22 below.

3.4 The Licensee must surrender their vehicle for inspection and testing at any time.

4.0 TAXIMETER (HACKNEY CARRIAGE)

4.1 The Licensee shall ensure the following:

i) the hackney carriage shall not be used at any time a taximeter is not present and fully functioning.

ii) the taximeter is to be maintained in a good mechanical condition at all times.

iii) the taximeter shall be located within the Vehicle in an approved position and shall not be concealed from view (e.g. in a glove compartment or behind a gear stick) and shall not be moved without prior approval.

iv) the taximeter shall be calibrated by the taximeter company at first installation and following a change to the Table of Fares.

v) at all times when the Vehicle is not in use the taximeter must be switched off.

vi) at all times when the Vehicle is available for hire, an illuminated sign must be clearly visible indicating that the Vehicle is for hire and that such sign is switched off when the Vehicle is hired or not being used as a hackney carriage.

vii) when the taximeter is in action there shall be recorded on its face in clearly legible figures a 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 in pursuance of the scale of fares set by the Council.

viii) the taximeter may be subject to an inspection and testing at any time by an Authorised Officer.

5.0 FARES AND FARE TABLE (HACKNEY CARRIAGE)

5.1 The Licensee shall ensure that the taximeter is used for every journey (including private hire journeys) and shall not demand or take for the hire of the Vehicle a sum greater than the rate of fare or fares prescribed by the Council from time-to-time (shown on the taximeter at the end of the journey) except where a fare has previously been agreed, and the journey commences and/or ends outside the District.

5.2 The Licensee shall ensure that a copy of the fare table issued by the Council is exhibited at all times inside the Vehicle in an approved position.

5.3 The Licensee shall ensure that the fare table is not concealed from the view of passengers while the Vehicle is being used for hire or rendered illegible.

6.0 TAXIMETER (PRIVATE HIRE)

6.1 Where a taximeter is installed the Licensee shall ensure the following:

i) the taximeter is to be maintained in a good mechanical condition at all times.

ii) the taximeter shall be located within the Vehicle in an approved position and shall not be concealed from view (e.g. in a glove compartment or behind a gear stick) and shall not be moved without prior approval.

iii) the taximeter shall be calibrated by the taximeter company at first installation and following a change to the rates the company chooses to charge.

iv) when the taximeter is in action there shall be recorded on its face in clearly legible figures a fare not exceeding the rate or fare which the Operator is charging for the hire of the private hire vehicle by distance in pursuance of the scale of fares set by the Operator.

vii) The taximeter may be subject to an inspection and testing at any time by an Authorised Officer.

7.0 FARES AND FARE TABLE (PRIVATE HIRE)

7.1 Where the Operator has stated the journey will be charged by the meter, the Licensee shall not demand or take for the hire of the Vehicle a sum greater than the rate of fare or fares set by the Operator from time-to-time (shown on the taximeter at the end of the journey).

7.2 The Licensee shall ensure that a copy of the fare table issued by the Operator is exhibited at all times inside the Vehicle in an approved position.

7.3 The Licensee shall ensure that the fare table is not concealed from the view of passengers while the Vehicle is being used for hire or rendered illegible.

8.0 DAMAGE TO THE VEHICLE AND COLLISIONS

8.1 The Licensee must report any damage to the vehicle or any collision involving the Vehicle using the prescribed form (available at www.eastcambs.gov.uk) to the licensing authority as soon as reasonably practicable, and no later than 72 hours of the damage or collision occurring.

8.2 The Licensee shall ensure that the vehicle is not used for hire or reward work until it has been inspected by an Authorised Officer, or one of the Council's approved garages (at the owner's or operators expense), and permission to commence using the Vehicle for hire and reward has been given.

8.3 The Licensing Authority must be informed if the Vehicle is written off by the insurance company and the DVLA as place a 'VIC marker' (Vehicle Identity Check marker) on the vehicle.

9.0 INSPECTIONS

9.1 The Licensee shall make the Vehicle available for inspection by the Authorised Officer or a police officer at any time and will confirm the location of the Vehicle upon request.

9.2 The Licensee shall also if requested afford such facilities as may be reasonably necessary to enable the Authorised Officer or a police officer to inspect and test the Vehicle in the places notified under this condition.

10.0 LICENCE PLATES AND DOOR STICKERS (STANDARD VEHICLES)

10.1 The Licensee shall ensure that the exterior licence plate issued by the Council is securely fixed to the exterior of the rear of the Vehicle at all times and is maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times.

10.1.1 The external plate shall be secured to the vehicle by the use of a bracket. If a bracket is not suitable or practicable the plate shall be fixed with the aid of screws or bolts.

10.2 The Licensee shall ensure that the interior two-sided licence plate issued by the Council is securely fixed to the inside of the windscreen in a position where members of the public can see it from both the inside and outside of the Vehicle.

10.3 Alteration of the size and condition of the internal and external licence plates is prohibited.

10.4 The Licensee shall ensure that the door stickers required by the hackney carriage and private hire licensing policy are displayed on the front doors of the licensed vehicle at all times, and are in a good state of repair.

10.5 The Licensee shall return the plate to the Council forthwith upon termination of the Licence, whether such termination is through suspension, surrender, revocation or normal expiry.

11.0 LICENCE PLATES AND DOOR STICKERS (SECTION 75(3) HOLDERS)

11.1 When operating under a s75(3) private hire exemption notice the internal two-sided windscreen licence plate issued by the Council will be displayed in a position where members of the public can see it from both the inside and outside of the Vehicle.

11.2 The Exemption Notice issued by the Licensing Authority in respect of the Vehicle will be carried in the vehicle at all times and will be produced upon request to an Authorised Officer or any Police Officer.

11.3 Other than the windscreen badges, the proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle without the approval of the Licensing Authority.

11.4 When issued with an exemption notice the external vehicle licence plate required by condition 10.1 will be affixed in a visible position within the boot of the vehicle and shall not be displayed externally whist the exemption notice is in force. Upon request the licence plate will be shown to an Authorised Officer or any Police Officer.

11.5 When issued with an exemption notice, the vehicle will not be required to display any other signs which the Licensing Authority may at any time require private hire vehicles to display.

11.6 No taximeter shall be displayed in the vehicle. If a taximeter is installed within the vehicle and is used to calculate the fare, it shall be installed in such a manner that it is concealed from normal view.

11.7 A table of fares/tariffs will not be displayed in the vehicle, but must be made available to a member of the public upon request.

12 NUMBER OF PASSENGERS

12.1 The Licensee shall not:

i) convey or permit to be conveyed in the Vehicle a greater number of persons than the number prescribed in the Licence. For the avoidance of doubt a child in arms is classed as a person whatever age.

ii) without the consent of the Hirer, convey or permit to be conveyed any other person in the Vehicle.

iii) allow to be conveyed in the front of the vehicle:

a) Any child below the age of three years.
b) More than one person above the age of three years unless the vehicle is constructed or adapted to carry more than one passenger.
c) A child in arms.

13.0 DRIVERS

13.1.1 The Licensee of a hackney carriage shall only permit the Vehicle to be driven by a driver issued with a current East Cambs joint hackney carriage and private hire driver, if he or she is satisfied that the person is a “fit and proper” person on that day to drive the Vehicle.

13.1.2 The Licensee of a private hire vehicle shall only permit the Vehicle to be driven by a driver issued with a current East Cambs joint hackney carriage and private hire driver or a private hire only driver licence, if he or she is satisfied that the person is a “fit and proper” person on that day to drive the Vehicle.

13.2 Before permitting or employing a driver to drive the Vehicle the Licensee shall obtain from the driver a copy of his or her Licence and retain the copy licence until such time as the Licensee ceases to permit or employ the driver to drive the Vehicle. The Licensee shall produce on request any copy licence retained under this condition to the Authorised Officer or a Police Officer on request.

13.3 Before permitting or employing a driver to drive a wheelchair accessible vehicle, the Licensee shall ensure that the driver has received sufficient training.

13.4 The Licensee shall notify the Council in writing within seven days of any driver permitted to drive the Vehicle, or the driver being employed or granted permission to drive the Vehicle.

13.5 In the event of the driver being guilty of any misconduct, the Licensee shall report the misconduct to the Authorised Officer within 72 hours of the incident.

13.6 The Licensee shall keep a record of who is driving or in possession of the vehicle at all times. This record will include the following information:

i) The name and licence number of the driver
ii) The time and date that the driver took possession of the vehicle

iii) The time and date that the vehicle was returned to the owner or passed to another driver.

v) Details of any incident reported to the owner during the time that the vehicle was in the possession of the driver.

14.0 CARRIAGE OF ANIMALS

14.1 The Licensee shall not permit any animal belonging to them or under their care to ride in the Vehicle.

14.2 The Licensee shall not allow the refusal of any request to carry an assistance/guide dog accompanying a person with a disability unless the driver has been exempted from this requirement by the Council.

14.3 The Licensee shall not charge extra for carrying an assistance dog.

14.4 The Licensee shall not allow the refusal of any reasonable request to carry an animal belonging to the Hirer in the rear of the vehicle.

15.0 TRANSFER OF LICENCES

15.1 The Licensee shall immediately (within 72 hours) notify the Council using the applicable prescribed form of any transfer of his or her interest in the Vehicle to another person or persons, specifying the name and address of the person(s) to whom the interest has been transferred.

15.2 The Licensee shall return the Licence and licence plate prior to any transfer.

16.0 INSURANCE, COMPLIANCE TEST, AND VEHICLE EXCISE DUTY

16.1 The Licensee shall submit their Vehicle for testing at an approved Council garage in accordance with condition 3.1 of these conditions in a timely fashion to enable a pass certificate to be emailed to the Licensing Authority by the expiry date of their existing compliance certificate.

16.2 The Licensee shall provide an updated insurance certificate to the Licensing Authority by the expiry date of their existing insurance policy or covering note.

16.3 The Licensee shall notify the licensing team in writing within seven days of any change of insurance.

16.4 The Licensee shall ensure that the Vehicle is registered, and is permitted to use the public highway at all times whilst licensed.

17.0 FIRST AID KIT

17.1 The Licensee shall be provided in such position as to be readily available at all times when the vehicle is used for hire, a suitable first aid kit containing appropriate dressings and appliances for immediate use in an emergency. The kit carried is to ensure compliance with The Health and Safety (First Aid) Regulations 1981 which requires employers to provide a first aid kit to enable employees to receive first aid if they become injured at work and self-employed persons to provide first aid to themselves whilst at work.

Note: Only those persons who hold a current recognised first aid certificate should use the kit on any person other than themselves, and your attention is drawn to issues of liability if untrained persons administer first aid.

18.0 WHEELCHAIRS AND DEALING WITH DISABILITIES

18.1 The Licensee shall ensure that when their Vehicle is on the designated wheelchair accessible list maintained by the Council:

i) access to and egress from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.

ii) wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any exit.

iii) a suitable restraint must be available for the occupant of a wheelchair.

iv) access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.

v) ramps and lifts must be securely stored in the vehicle before it moves off.

vi) any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must be used and tested in accordance with the manufacturer's instructions.

vii) the driver has received sufficient training to load and convey wheelchair bound passengers.

18.2 The Licensee shall ensure that in all cases where a wheelchair is carried reasonable mobility assistance is provided, and no additional charge is made for carrying the wheelchair or providing this mobility service.

19.0 TRAILERS

19.1 The Licensee shall ensure that no trailer is used unless they hold written permission from the Council to do so.

19.2 The Licensee shall ensure that they comply with the trailer requirements stated in section 22 of **Appendix A** at all times.

20.0 CCTV

20.1 Where CCTV is installed in a Vehicle the Licensee must ensure that a sign is displayed in a prominent position in the vehicle so that passengers are made aware of the presence of the camera.

20.2 The Licensee shall ensure that all CCTV systems comply with data protection laws and any cameras are mounted at a level equal to or greater than the level of the dashboard, and directed at face height.

21.0 ADVERTISING

21.1 The Licensee shall ensure that no advertising is added to the Vehicle unless the Council provides written permission.

21.2 The Licensee shall seek approval from the Council for changes to any approved advertising content or type in advance of the change taking place.

22.0 RECORD BOOK

22.1 The Licensee shall keep a record book that shall contain the following particulars:

i) the name(s), address(es), and licence number(s) of the persons permitted or employed to drive the Vehicle

ii) records of maintenance checks and inspections undertaken in accordance with condition 3 which shall include:
   a) dates and times of each inspection and maintenance check
   b) the name of the person or garage which undertook the inspection or check
   c) details of defects identified and dates when the defects were corrected

22.2 The Licensee shall retain this record book for a minimum period of twelve months and produce it to the Authorised Officer or a Police Officer if requested to do so at the time and place specified.

23.0 CHANGE OF PERSONAL DETAILS

23.1 The Licensee shall notify the Council in writing within seven hours of any change in his or her details during the currency of the licence.

24.0 CHANGE OF VEHICLE DETAILS

24.1 The Licensee shall notify the Council in writing within seven day hours of any change of details affecting the Vehicle's V5 logbook

24.2 The Licensee shall not use the Vehicle, until they are provided an updated Licence and vehicle plates.

25 CONVICTIONS AND CAUTIONS

25.1 The proprietor shall immediately (within 48 hours) disclose to the Authorised Officer in writing if they are arrested, cautioned, or convicted of any offence (including motoring offences), or receive a Police warning during the currency of their licence. A representative can fulfil this condition if the proprietor is detained.

25.2 If the licence holder is a company or partnership, this requirement shall equally apply if any of the directors or partners are arrested, cautioned, or convicted of an offence.

26 DBS CERTIFICATE

26.1 All licence holders shall provide a basic DBS certificate annually before the existing DBS certificate expires, unless they hold a driver licence with the Council.

ADDITIONAL CONDITIONS FOR NON-STANDARD PRIVATE HIRE VEHICLES (LIMOUSINES, AND NOVELTY VEHICLES)

27.1 TUK TUKS

27.1.1 Driver

In addition to complying with the requirements of vehicle condition 13, where the Vehicle is a Tuk Tuk, the Licensee shall ensure that no person who is not authorised to ride a motorcycle of category A1 will be permitted to drive the Tuk Tuk at any time.

27.1.2 Passengers

In addition to complying with the requirements of vehicle condition 12, the Licensee shall ensure that no person under the age of 11 years shall be permitted to travel without being accompanied by a responsible adult (other than the driver of the Tuk Tuk).

27.1.3 Speed

27.1.3.1 The Licensee of any Tuk Tuk must ensure that the Driver does not exceed 40mph whilst carrying passengers.

27.1.4 Roads

27.1.4.1 The Licensee shall ensure that the Tuk Tuk shall not be driven on roads with a speed limit exceeding 50 mph whilst carrying passengers, unless this is absolutely necessary to access other suitable roads. In such circumstances the driver shall ensure the route is calculated to include the shortest distance on these high-speed roads, even if this results in a longer journey.

27.1.4.2 The vehicle shall not be driven on dual carriageways or motorways whilst carrying passengers at any time.

28.0 GLASS BREAKING TOOL

28.1 Where the Vehicle has moulded windows the Licensee shall ensure that a glass breaking tool is stored in the passenger and driver compartment.

29 LUGGAGE

29.1 The Licensee shall ensure that no luggage is carried in the passenger compartment

30 ALCOHOL

30.1 In addition to complying with the requirements of the Licensing Act 2003, the Licensee shall ensure that no alcohol is stored in the Vehicle between bookings, and no alcohol will be available in the vehicle when the occupants are under 18 years of age.

31 ENTERTAINMENT

31.1 In addition to complying with the requirements of the Licensing Act 2003, the Licensee shall ensure that no media or entertainment contains content that is unsuitable for the youngest person within the vehicle, or contravenes any decency laws.

ADDITIONAL CONDITIONS FOR RESTRICTED PRIVATE HIRE VEHICLES

32 **USE OF VEHICLE**

32.1 Vehicles issued with a restricted private hire vehicle licence must only be used to fulfil fixed route school, social care, or health care contract booking dispatched by the contract holding private hire operator licensed with East Cambs District Council, where the contract has been issued and directly funded by a public authority, Government recognised “not for profit” educational establishment, or NHS Trust and payment is made on invoice.

32.2 The Licensee of a restricted private hire vehicle shall only permit the Vehicle to be driven by a driver issued with a current East Cambs restricted private hire driver licence, if he or she is satisfied that the person is a “fit and proper” person on that day to drive the Vehicle.

33 **SIGNAGE AND TAXIMETER**

33.1 Condition 10 of these conditions shall be replaced by the following wording in paragraph 33.2 where the vehicle is issued with a restricted private hire vehicle licence.

33.2 The Licensee shall ensure that the interior two-sided licence plate issued by the Council is securely fixed to the inside of the windscreen in a position where members of the public can see it from both the inside and outside of the Vehicle.

33.3 Alteration of the size and condition of the internal and external licence plates is prohibited.

33.4 No other signage is permitted on the vehicle unless written authorisation is obtained from the Council for the use of other signage on the vehicle in question.

33.5 The Licensee shall return the plate to the Council forthwith upon termination of the Licence, whether such termination is through suspension, surrender, revocation or normal expiry.

33.6 Conditions 4,5, 6 & 7 of these conditions do not apply. No taximeter is permitted to be installed in the vehicle.

34 APPEALS

If aggrieved by any of these Conditions, the Licensee may appeal to a Magistrates' Court within twenty-one days of the issue of the Licence to the Licensee.

APPENDIX G - PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ("The 1976 act")
The following conditions are made by the Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

These conditions should be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

DEFINITIONS
In these Conditions:

"the Application" shall mean the application made by the Licensee for the grant of the licence

"Authorised Officer" shall mean a Licensing Officer of the Council's Legal Services Department or any other officer authorised by the Council's Constitution.

"the Council" shall mean East Cambridgeshire District Council

"the Licensee" shall mean the person(s) named in the Licence

"the Operator" shall mean any person or company or partnership licensed by the Council to operate private hire vehicles

"the Vehicle" shall mean any vehicle licensed by the Council

1 GENERAL

1.1 An operator makes provision for the invitation or acceptance of bookings for a Private Hire Vehicle.

2 CONDITION OF VEHICLE

2.1 The Operator shall ensure that any private hire vehicle operated by him (regardless of who owns the vehicle or holds the vehicle licence) is maintained in the condition required by the Private Hire Vehicle requirements contained in **Appendix A**, and where relevant **Appendix B** of this Policy.

2.2 The Operator will ensure that any private hire vehicle operated by him (regardless of who owns the vehicle or holds the vehicle licence) is maintained in a suitable mechanical condition, safe, comfortable, clean and presentable, and that the external licence plate and internal licence plate provided by the Council is affixed to the vehicle in such a manner and position as shall be prescribed by the Council before the Vehicle is used for any bookings.

2.3 The Operator shall make best endeavours to ensure that any licensed vehicle used by them to fulfill bookings that they accept either in the first instance or those that are sub-contracted to them via another source, are safe, comfortable, clean and presentable, and fully compliant with the requirements of the vehicle licence issuing authority.

3 STANDARD OF SERVICE

3.1 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times, and for this purpose shall:

(i) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

(ii) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

(iii) Ensure that any waiting area provided by the operator has adequate seating facilities.

(iv) Ensure all employees act in a civil and courteous manner.

(v) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

(vi) Ensure that any working hours legislation is complied with

(vii) Not by calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

4 COMPLAINTS

4.1 The Licensee shall keep at each Operating Centre a record containing the following particulars:-

(i) the name of the complainant and any address, telephone number or other contact details provided by him or her
(ii) the nature of the complaint
(iii) details of any investigation carried out and subsequent action taken as a result

4.2 In relation to a complaint made in respect of a private hire booking:-

(i) the name of the driver who carried out the booking
(ii) the date of the related booking
(iii) the registration mark of the Vehicle used for the booking

4.3 The Operator shall immediately (within 72 hours) notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business, and of the action (if any) which the operator has taken or proposes to take in respect thereof.

5 CONVICTIONS AND CAUTIONS

5.1 The operator shall immediately (within 48 hours) disclose to the Authorised Officer in writing if they are arrested, cautioned, convicted of any offence (including motoring offences), or receive a Police warning during the currency of their operator's licence. A representative can fulfil this condition if the operator is detained.

5.2 If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners are arrested, cautioned, or convicted of an offence.

6 RECORD OF BOOKINGS

6.1 The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept on a prescribed booking pad, or on a spreadsheet, or on trade specific computer system. This software must be capable of providing the information listed below. The entries must be numbered consecutively, and no pages should be removed. The operator shall enter the required information for each booking invited or accepted by him, before the commencement of each journey.

- The time and date of the booking

- The name and address of the hirer
- How the booking was made (i.e. by telephone, personal call etc.)
- The time of pick-up
- The point of pick-up
- The destination
- The time at which a driver was allocated to the booking
- The name and licence number of the driver and the registration number of the vehicle allocated for the booking.
- Fare (if agreed at the time of booking) or indication that the meter was used.
- The name of the booking staff
- The name of the dispatcher
- Remarks (including details of any sub-contract).

6.2 All records kept by the operator shall be preserved for a period of not less than 18 months, following the date of the last entry. In the case of computer records the entries must be capable of being printed on demand and/or emailed in a universal format at the request of a Police officer or the licensing officer.

7 RECORD OF VEHICLES

7.1 In accordance with the provisions of Section 56(3) of the 1976 Act the operator shall keep a record of all private hire vehicles operated by him or her and such record shall include the following particulars:

- The registration mark of each vehicle
- The make, model, colour of the vehicle
- The name and address of the vehicle proprietor
- The names, addresses and driver's licence numbers of drivers driving the vehicles
- Details of any radio call sign used
- Expiry date of vehicle plate

7.2 Such records shall be retained at all times the vehicle is used to fulfil bookings for the licence holder.

8 RECORD OF DRIVERS

8.1 In accordance with the provisions of Section 56(3) of the 1976 Act the operator shall keep a record of all drivers of private hire vehicles operated by him or her and such record shall include the following particulars:

(i) the drivers of the vehicles, and their call signs
(ii) when any new driver begins service
(iii) when any driver's service ceases
(iv) any change of address of any driver in service
(v) any illness, disability or condition which may affect the driver's ability to safely carry out his duties, (if the operator becomes aware of any such condition)
(vi) expiry dates of driver's badge.

8.2 Such records shall be retained at all times the driver is used to fulfil bookings for the licence holder.

9 FARES AND FARE TABLE

9.1 The operator upon request shall agree the fare for a journey booked, or explain that the journey will be metered. When a meter is to be used, an estimate of the fare should be given.

9.2 Should the operator dispatch a vehicle with a taximeter, they shall ensure that the vehicle is displaying the correct tariff, the meter is calibrated to this tariff, and they shall ensure a tariff card is displayed according to the Vehicle conditions.

9.3 Where a meter is used, the operator shall ensure that the fare for such bookings does not exceed the rate on the meter.

10 CCTV IN VEHICLES

10.1 The operator shall ensure that any vehicle operated by them or any vehicle that they pass a booking to has CCTV which complies with data protection laws and all cameras are mounted at a level equal to or greater than the level of the dashboard and they are directed at face height.

11 SMOKING

11.1 The operator shall ensure that:

(i) all vehicles used to fulfil bookings display “No Smoking” signs in accordance with the Health Act 2006, and
(ii) no person smokes in any building deemed by the Health Act 2006 to be a “Smoke Free Place”, and
(iii) Specific “No Smoking” signs for buildings are displayed in accordance with the Health Act 2006.

12 INSURANCE

12.1 The operator shall retain a copy of the insurance for any vehicle they use to fulfil private hire bookings.

12.2 Where the operator maintains a bookings office open to members of the public they shall ensure that the premises is covered by a suitable level of public liability insurance of at least £1million.

12.3 Where the operator employs people, suitable employees liability insurance should be in place.

13 OPERATOR TO HOLD DRIVERS LICENCE

13.1 Before the operator permits or employs another person to drive a vehicle as a Private Hire Vehicle, he or she shall have retained the driver’s Joint Hackney Carriage and Private Hire drivers licence or Private Hire drivers licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the Licensee shall return the licence to the driver.

13.2 The licensee/proprietor must also ensure the driver holds a current drivers licence in respect of the number of passengers authorised on the vehicle licence/plate.

13.3 The operator shall notify the licensing authority within seven days of the details of any new driver commencing work with them, and any drivers who no longer work for them.

14 DISPOSAL AND ACQUISITION OF VEHICLES

14.1 When an operator ceases to operate a particular vehicle, or begins to operate a new vehicle they shall inform the Council in writing as soon as possible but not later than within seven days of such fact.

15 CHANGE OF PERSONAL DETAILS

15.1 Should any person named on the licence change their personal details they shall immediately (within seven days) notify the Authorised Officer of the Council in writing. Changes shall include, changes of address, name status, phone number, mobile number, and e-mail address.

16 COPY OF LICENCE AND CONDITIONS

16.1 A copy of the operator licence and these conditions must be kept at the premises to which they relate, and shall be made available to any person upon request.

17.0 OPERATOR LICENCES IN COMPANY NAMES

17.1 Where a Licence has been issued in the name of a company, the Licensee shall notify the Authorised Officer in writing within seven days of any change in the directorship of the company.

17.2 All new directors are required to submit a basic DBS certificate (unless they are a licensed driver) and undertake safeguarding training within 6 months of becoming a Director.

18 PROVISION OF INFORMATION

18.1 During the currency of the licence the Licensee shall within seven days of the date of an event detailed below give the Authorised Officer written notice of the following:

(i) any change in the information provided in the original application for the grant of the Licence, or any subsequent application for the variation thereof, any driver ceases to be available to the Operator for carrying out bookings, by virtue of that driver's unsatisfactory conduct in connection with the driving of a Vehicle including the name and address of the driver and the circumstances of the case;
(ii) a Vehicle or Vehicles cease to be used by the Operator for carrying out bookings
(iii) any complaint concerning a contract for hire or purported contract for hire relating or arising from the Licensee's business and of any action (if any) which the Licensee has taken in response to the complaint.

19 WHEELCHAIR ACCESSIBLE VEHICLES AND ASSISTANCE DOGS

19.1 The operator shall ensure that no wheelchair accessible vehicle is used to fulfil bookings unless the driver, or a driver's assistant is:

(i) trained, and fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.

19.2 The operator shall ensure that wheelchair users are not charged more for their journey than an equivalent journey being made by a non-wheelchair user, and that reasonable mobility assistance is provided by the driver.

19.3 The operator shall ensure that customers with assistance dogs are not charged more for their journey than an equivalent journey being made by a non-assistance dog user.

20 TRADING NAME, SIGNS AND ADVERTISING

20.1 The Operator shall only use the trading name which has previously been approved in writing by the Licensing Authority. This includes any names used on any sign, notice, website, social media, e-mail, flyer, clothing or advertisement displayed on or outside his/her premises, or on any stationary or business cards, or any vehicle(s) operated by them. No use of the word Taxi or Hackney or Carriage or their plurals will be permitted in any trading name or advertising.

21 BOOKING OFFICE ADDRESS

21.1 An operator licence only covers bookings accepted via the address on the licence.

21.2 The Licensee must maintain an office within the Council's area (**Appendix S**) where it is possible for officers to view the records required to be maintained by the operator licence in accordance with condition 6 of this appendix.

21.3 Potential bookings must be directed through the licensed operator base either by way of a traditional land line "phone" line or VOIP phone, or via a computer terminal connected to a broadband internet connection at this location. Where these potential bookings are forwarded to a mobile phone, this must be answered and the booking accepted whilst the person answering the call is within the Council's district boundary, this is a legal requirement. For any booking accepted remote of the booking office address in this way, the records required by condition 6 of these conditions must be entered into the licence holder's chosen method to maintain these required records within 48 hours.

21.4 If a potential booking is forwarded on to another operator's phone or computer terminal to complete the booking, i.e. the potential booking is subcontracted, the location where the potential booking is forwarded onto must hold an operator licence with the licensing authority in that area, and the sub-contracting must also be recorded by the initial ECDC operator.

21.5 A phone number must be available for customers to contact, and if unanswered, leave a message with regards to any issue relating to their booking.

22 ACCESS

22.1 Access to the premises must be given to an Authorised Officer of the Council for the purpose of checking and obtaining copies of records that an operator is required by this Policy or the 1976 Act to keep.

23 SPECIFIC CONDITIONS FOR OPERATORS BASED IN DOMESTIC HOMES

23.1 No vehicles other than those directly owned by the registered occupier(s) of the property may be dispatched directly from the premises to fulfil a booking.

23.2 Separate permission must be obtained if the number of licensed vehicles owned by the registered occupier(s) of a property increases above three.

23.3 No restroom or refreshment facilities shall be provided at the property for any drivers employed by the operator.

23.4 No employed or self-employed drivers shall visit the premises during their hours of work other than to drop off takings, or pick up wages.

23.5 No radio mast must be used, unless relevant planning permission has been obtained.

24 STAFF REGISTER

24.1 The licence holder shall ensure a register of all staff who take bookings and dispatch vehicles is maintained whilst licensed. This register must include:

(i) the full name of the person engaged by the operator
(ii) that person's address
(iii) that person's national insurance number
(iv) details and confirmation that checks have been made to ensure that person has the right to remain and work in the United Kingdom

(v) details and confirmation that checks have been made to ensure that person meets the requirements of the licence holder's conviction policy
(vi) dates that the person started (and where applicable) stopped working for the licence holder

These records must be kept for a minimum period of twelve months and be made available to an authorised officer on request.

24.2 The licence holder shall ensure that any staff on the register mentioned in paragraph 24.1 above provide a basic DBS before commencing work in this role

24.3 The licence holder shall ensure their employment contracts require all staff on the register mentioned in paragraph 24.1 above notify the operator if they are convicted of an offence.

24.4 The licence holder shall ensure that evidence is available to prove that comparable safeguards to those in this section are in place if they sub-contract work to another operator.

24.5 The licence holder should ensure that they have and maintain a policy on employing ex-offenders, and that this policy should include a requirement for any staff member taking bookings to report any convictions whilst they are employed.

25 PSV / PCV BOOKINGS

25.1 The licence holder shall ensure they obtain informed consent from their customer if they intend to fulfil the booking by means of a PSV vehicle and PCV licence holder.

26 RESTRICTED PRIVATE HIRE DRIVER LICENCE HOLDERS

26.1 The operator shall ensure that no bookings are fulfilled by a restricted private hire driver licence holder unless the holder of the restricted private hire driver licence is employed directly by the operator licence holder via the PAYE scheme. For the avoidance of doubt sub-contractors are not considered to be employed for the purposes of this condition.

26.2 Any booking allocated to an employed restricted private hire driver licence holder must be a fixed route school, social care, or health care contract booking, where the contract has been issued and directly funded by a public authority, Government recognised "not for profit" educational establishment, or NHS Trust. No other bookings can be fulfilled by such a licence holder.

26.3 Bookings fulfilled by a restricted private hire driver licence holder must be fulfilled in a vehicle licensed as a restricted private hire vehicle. For the avoidance of doubt, a restricted private hire driver licence holder cannot drive a standard private hire vehicle or hackney carriage.

27 DBS CERTIFICATE

27.1 All licence holders shall provide a basic DBS certificate annually before the existing DBS certificate expires, unless they hold a driver licence with the Council.

28 VARIATION OF CONDITIONS

28.1 The Council reserves the right to vary, delete or waive any of these Conditions.

29 APPEALS

If aggrieved by any of these Conditions, the Licensee may appeal to a Magistrates' Court within twenty-one days of the issue of the Licence to the Licensee.

APPENDIX H – VEHICLE STANDARDS OF APPEARANCE

Excellent standards not only promote public safety, they also promote public confidence in the local hackney carriage and private hire trade. By ensuring good standards are maintained both the trade and the public benefit. To this end, all vehicles must comply with the following standards on first application and at all times whilst licensed. Failure to do so can result in the suspension of the vehicle licence, or the refusal to renew for a further period of licence:

1 EXTERIOR CONDITION

The vehicle exterior shall:

i) be free of sharp or jagged edges

ii) be free of visible rust

iii) be free of any scratches over 10cm in length, or dents over 5cm in length

iv) be free of unrepaired accident damage (except where a Licensing Officer has agreed a time period for cosmetic repairs under **Appendix A - 30.2**)

v) have uniform paintwork equivalent to that applied by the manufacturer, unless written permission has been given by the Licensing Authority

vi) have identical alloy wheels or wheel trims, and

vii) be maintained in an acceptable state of cleanliness, (discretion may be given during periods of adverse weather)

viii) not display unauthorised signage or advertising.

2 INTERIOR CONDITION

The vehicle interior shall:

i) be free of all stains to the upholstery including carpets, and door trim

ii) be free of all splits and tears to the passenger seats

iii) be maintained in an acceptable state of cleanliness

iv) be free of water ingress

v) have no sharp or jagged edges or any damaged items likely to cause injury to a passenger

vi) have no trailing wires in the passenger foot wells or compartment

vii) have no loose items in the cabin which could cause injury, and

viii) provide seats functioning in accordance with the Original Manufacturers' Specification.

ix) not display or contain unauthorised signage or advertising.

APPENDIX I: CODE OF GOOD CONDUCT FOR LICENSED DRIVERS, AND OPERATORS

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the licensing authority has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirement set out in this document.

1.0 Responsibility to the trade

License holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

(a) Complying with this Code of Good Conduct;

(b) Complying with all the conditions of their licence, and the council's hackney carriage and private hire licensing policy;

(c) Behaving in a civil, orderly and responsible manner at all times.

2.0 Responsibility to clients

Licence holders shall:

(i) Maintain their vehicles in a safe and satisfactory condition at all times;

(ii) Keep their vehicles clean and suitable for hire to the public at all times;

(iii) Attend punctually when undertaking pre-booked hiring;

(iv) Assist passengers into and out of vehicles, when necessary or legally required;

(v) Offer passengers reasonable assistance with luggage;

(vi) Not without reasonable cause unnecessarily prolong in distance or in time a journey;

(vii) Not eat or drink whilst a vehicle is in motion or at any time when it is hired;

(viii) Not use in car entertainment systems without the express permission of the hirer.

(ix) Not carry more passengers that the limit permitted by the vehicle licence.

(x) Not carry other passengers without the express agreement of all parties.

3.0 Responsibility to residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

(a) Not sound the vehicle's horn;

(b) Ensure in car entertainment systems shall not be used to the annoyance of any person;

(c) Take whatever additional action is necessary to avoid disturbance to residents.

(d) At private hire offices a licence holder shall:

(i) Not undertake servicing or repairs of vehicles, unless approved by the Council to do so;

(ii) Not allow any audio equipment or VHF radios to cause disturbance to residents of the neighbourhood;

(iii) Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

4.0 General

Drivers shall:

(i) Pay attention to personal hygiene and dress so as to present a professional image to the public.

(ii) Be polite, helpful and fair to passengers;

(iii) Ensure smoking (smoking includes vaping, or the use of any other apparatus capable of producing smoke) does not take place in the vehicle at any time;

(iv) Carry their drivers badge at all times in a plainly visible position;

(v) Not act as a hackney carriage or private hire driver without the consent of the proprietor of the vehicle;

(vi) Not consume alcohol before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;

(vii) Not drive while having misused legal or illegal drugs.

Please note:

Any amount of alcohol or drugs can affect a driver's judgement.

The council will take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle. Each case will be treated on its own merits, but licence holders should note that revocation is the likely outcome of such incidents.

5.0 Notifications

5.1 Upon ceasing employment as a licensed driver, the licence–holder must notify the licensing team in writing within seven days, and surrender the licence and badge issued by the council together with the plate when appropriate.

5.2 The driver must notify the licensing team in writing within seven days of any change of address.

5.3 The driver must notify the licensing team in writing within a period of 48 hours, of any conviction or caution for an offence, any antisocial behaviour orders or criminal behaviour order, driving disqualification for any period, or any receipt of a fixed penalty notice or Police warning imposed on him/her whilst the licence is in force.

6.0 Lost property

6.1 Immediately after the termination of every hiring, drivers must carry out a search of their vehicle for property that may have inadvertently been left.

6.2 If any property accidently left in a hackney carriage or private hire vehicle by any passenger, is found or handed to the driver, the driver shall keep it safe and leave it in the same condition in which it was found.

6.3 Drivers should leave any property in the custody of the Police, as soon as is reasonably practicable, and in any event within 48 hours. Bye-law 17(a) will not be enforced until such time as it is removed via due process.

7.0 Carriage of Animals

7.1 A driver must carry assistance dogs when necessary unless the driver is in possession of a medical exemption certificate.

7.2 A driver must not carry any animal in the vehicle unless the animal belongs to the hirer

7.3 A driver must accept any reasonable request to carry a passenger's animal, provided they are restrained in a safe manner.

7.4 Any licensed driver with a medical condition, which may be exacerbated by dogs, may apply for exemptions from this condition. A certificate of exemption is supplied on production of suitable medical evidence.

8.0 Carriage of wheelchairs

8.1 A driver must carry a wheelchair providing the wheelchair can be carried safely in the vehicle.

8.2 A driver must provide reasonable mobility assistance to all wheelchair passengers unless they have applied for and obtained a medical exemption from the Council.

8.3 A driver must not charge a wheelchair passenger more for providing this assistance, or for any time taken to provide this assistance.

9.0 Service provision and customer care

Passengers have varying expectations of the service and will make different demands of you as a driver. Customer service is an important part of the job and one which must be taken seriously.

As a licensed driver you are expected to assist your passengers to your utmost ability. The safety and well-being of your passengers should be your main concern and you should take pride in your work and endeavour to make the journey as safe, comfortable and stress free as possible.

There are a number of steps which can be taken to ensure the safety of your passengers:

- Ask if the passenger needs any assistance before trying to help. Do not assume anything of your passenger, whether able bodied, disabled, elderly, etc. Instead you must ask what assistance the passenger needs, if any.

- Ask your passengers to wear a seat belt.

- Never take more passengers than your vehicle is licensed to carry.

- Be polite at all times – remember that the passenger is paying you to provide a service.

- Do not patronise the passenger in any way – use the appropriate language and be careful not to offend the passenger in any way.

- Communicating to your passenger in an appropriate way is one of the most important aspects of being a taxi driver. If you are able to communicate effectively you will be able to meet the needs of all passengers you carry in your vehicle.

- Ask the passenger if they would like to listen to the radio – do not assume that they do.

- Remember that using your horn to alert passengers of your arrival is illegal.

Drive safely, adhering to road safety laws at all times. Care must be taken when accelerating, braking and manoeuvring the vehicle, for example when taking a corner.

Attitudes and awareness
The Equality Act 2010 places a duty upon all drivers to ensure that all services available to able-bodied people must also be available to disabled people. It is necessary for licensed drivers to have an awareness of those issues facing disabled people and to have the confidence to carry these people in their vehicles both comfortably and safely.

As disabled people use the hackney carriage and private hire service approximately 67% more than able-bodied people, if you ignore this sector of society then you will lose custom and disabled people will lose a major source of mobility for them.

Without the hackney carriage and private hire service many disabled people are excluded from employment, education, health care and social activities. As a modern society these institutions are a basic right of all that live in our country. As licensed drivers you must acknowledge this and play your role in a modern and inclusive society.

Disabled people believe the attitude of licensed drivers is a main concern when undertaking a hackney carriage or private hire journey. They believe that drivers with a good attitude can make up for a lack of disability awareness. For this reason drivers must provide as good customer service for disabled people as they would able-bodied people. In order to provide a good service to disabled passengers follow the same procedures as in the customer care section previously.

For drivers to have a greater understanding of how to address disabled peoples' needs, below is a list of procedures that should be followed when picking up passengers with various disabilities.

Wheelchair user as a passenger at the beginning of the journey

- If the driver has an Medical Exemption Certificate it should be displayed so that potential passengers know that the driver does not have to take people who require assistance.

- Safety is extremely important. A licensed driver should be aware of his/her own safety as well as that of the passenger. Great care should be taken to avoid injury while pushing, pulling and especially lifting and lowering a wheelchair user.

The driver should know:

- How to use the ramp or ramps fitted to an adapted vehicle. How exactly this is done varies between vehicles.

- When to use the ramp extension. If passenger is on pavement level, shorter ramp can be used but, if on a flat surface, the ramp can be too steep without the extension.

- How to handle a manual wheelchair up the ramp.

- How to handle a manual wheelchair off and onto a kerb.

Getting into the taxi

- Make use of any accessibility equipment that has been added to your vehicle, following the proper procedure as outlined by the accessibility equipment's manufacturer.

- If your vehicle has not been adapted to include some accessibility equipment, manoeuvre your vehicle so that it is as close to the curb or wheelchair user as possible.

Getting into the taxi in vehicles adapted for wheelchair access

- The driver must always use the ramps to help get a wheelchair user into the vehicle.

- Some vehicles have folding back seats – on these vehicles the seat needs to be folded out of the way to allow room to manoeuvre inside.

- Ask an electric wheelchair user if he/she wants to drive up the ramp him/herself or if they would like assistance.

- Drivers should assist the manual wheelchair user up the ramp as far forward as the wheelchair can go.

- Fold up or remove the ramp before putting the wheelchair in place and fitting the belts and restraints. In some vehicles you cannot do it afterwards.

- Wheelchair user then reverses and turns into position inside the vehicle. Note that when turning the chair around the footplates can catch and get jammed and the driver may have to help free them.

- Fit the restraints or belts. Different vehicles have different fixings and all can be awkward but for the passenger's safety they must be used on every journey.

- Ensure that the wheelchair brakes are securely applied.

- Ask the wheelchair user if they need any assistance transferring from their wheelchair into the vehicle. If they need assistance ask exactly what assistance they need and then provide it to the best of your ability.

- Ask if they need any assistance in fitting seat belts. If they need assistance, help to fit the belts. Different vehicles have different fixings and all can be awkward, however for the passenger's safety, they must be used on every journey.

- Fold up the wheelchair and place securely in the boot or in the rear of the vehicle.

- Ask destination, hackney carriage drivers must only then turn on meter and drive to destination.

During the journey

- Drive gently and bear in mind that the wheelchair user may feel discomfort if you are driving erratically.
- Sometimes it feels scary for the passenger as manual wheelchairs move from side to side when you still strapped in at the back.
- When the vehicle goes round a bend the wheelchair may tip.
- Drive gently – remember the passenger is facing backwards so cannot anticipate changes in speed or direction.
- Do not accelerate hard or corner suddenly.
- Remember that the passenger is facing backwards so cannot give directions.

At the end of the journey

The procedure is essentially the same as that at the beginning of the journey, but here are a few extra notes:

- Hackney carriage drivers should switch off the meter before assisting the passenger to get out of the vehicle or setting up the ramps.
- For adapted vehicles, drivers must make sure that the ramps are in the right place for the wheelchair to get out again.
- Ensure wheelchair is positioned on ramp properly – in particular that all the wheels are in the ridges of the ramps.
- Wheelchair user will come backwards down the ramp.
- Retrieve the wheelchair from the boot or rear of the vehicle and assemble the wheelchair.
- Again ask what if any assistance is needed. If assistance is required, assist to the best of your ability and make sure everything is done safely.

Passenger with a mobility impairment
There are 4.3 million people with mobility problems in the UK. The majority of these are elderly.

Mobility impaired people include those who have difficulty using steps, bending, reaching, standing for long periods, walking without resting and carrying heavy objects.

Mobility impairment may also include those who are pregnant, carrying heavy luggage or pushing a pram. We have all been mobility impaired at some time.

At the beginning of the journey
Sometimes it will be obvious that the passenger has mobility impairment and the passenger will have clear difficulty in movement or be using some type of walking stick or other aid.

Sometimes however, disabilities may be “hidden”, such as a passenger may have a heart condition or breathing difficulties.

Some passengers who look fit and healthy may have very painful joints and/or limbs with very little muscle strength or grip.

It will not always be possible for you as the driver to provide assistance. The decision must be yours. Some people feel embarrassed to approach people with disabilities but it is best just to talk to your customers and ask them if they need any help or support.

If required, help with the passenger’s luggage and with securing the seat belt.

During the journey
Going over speed bumps and potholes too fast can cause unnecessary additional discomfort for people with painful joints so try to slow down at speed bumps. The driver sits above the wheel so the impact of road bumps is not the same as for passengers.

At the end of the journey
Passengers with disabilities affecting their hands may take longer to pay their fare because of difficulty in handling coins and notes quickly. Be patient with these passengers.

If asked to give physical support, do not grab the passenger by the elbow and apply a vice-like grip as this can be very painful for the passenger. Offer your arm for the passenger to hold which effectively turns you into a mobile grab rail.

Passenger with hearing impairment
The main consideration with a deaf or hearing-impaired passenger is communication.

<u>Communication tips</u>

- Ensure you approach the person from the front and that you have the person's attention. Look directly at the person and do not cover your face or turn away when you talk.

- Facial expressions and gestures are important when communicating with a deaf or hearing-impaired person.

- Shadows or strong sunlight on the driver’s face can make lip reading more difficult.

- Point at destinations, etc.

- Take care to speak clearly but without exaggerating your sounds or lip movements.

Sometimes a deaf person will motion for a pen and paper. However, not all deaf people can read written English as their first language is British Sign Language rather than English.

At the beginning of the journey
- Always look at the deaf person when you are talking to them as it is important that they can see your face.

- A pen and piece of paper are handy to help with communication. If you want to get the deaf person's attention, tap them on the shoulder.

During the journey
The driver can switch the lights on and off as a way of getting the deaf person's attention. A deaf person can feel vibrations but can get a shock when the vehicle stops suddenly.

At the end of the journey
For the fare the private hire driver can write it down. A hackney carriage driver can point to the meter or write it down.

Communication tips for passengers with a visual impairment

- Identify yourself as the driver and let the customer know that you are speaking to them.
- When you talk to someone who uses a guide dog, speak directly to the person not the dog.
- Speak to the person in a normal tone and normal volume.
- Be patient when the person is paying the fare as she or he may take longer due to having to identify coins and notes quickly.
- Drive as smoothly as possible.
- Do not assume that assistance is needed, ask the person first and what would be most useful for them.
- Do not ask a blind or partially sighted passenger to give directions as they may not be able to do this.

When you arrive to pick up the passenger do not sound the vehicle horn but go to the passenger's door and walk to the vehicle with them.

10.0 Safeguarding

On occasions, drivers may become aware of, or have suspicions that their passengers may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of becoming a victim. In addition, drivers themselves may be accused of misconduct or inappropriate behaviour through their actions or conversation.

East Cambridgeshire District Council introduced this Code of Conduct in 2018 which aims to provide the best possible service, by protecting both passengers and drivers. Following this Code ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the driver being referred to the Licensing Sub-Committee to explain the circumstances surrounding any incident. In the event of repeated and/or a serious failure to comply, drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the code does not override any obligations that are enshrined in legislation, licence conditions or contractual obligations such as County Council contracts.

Drivers should:

- Act in a professional manner at all times;

- Treat passengers and other road users with respect;
- Keep relationships with passengers on an appropriate, professional basis;
- Respect all individuals - regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity;

And be aware of:

- The safety and well-being of passengers being paramount;
- The importance of the use of appropriate language;
- The vulnerability of children and adults;
- Passengers with special needs;
- Any instruction given about the care or first aid requirements of a passenger;
- Personal beliefs and standards, including dress and religion;
- Passengers misreading situations;
- The use of social networking sites such as Facebook and Twitter. These are public websites, and therefore passengers conveyed may access a Driver's site. Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites

Drivers should never:

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism;
- Engage in any sexual conversation, or have any form of sexual contact with a passenger.
- Inappropriately touch a passenger, or touch a passenger unless in an emergency situation, or if required to do so because of the additional needs of the passenger (with their consent);
- Administer medication unless a specific request has been made by the hirer;
- Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office, or this policy;
- Phone or send text, image or voice messages to passengers other than directly concerning the hiring of your vehicle;
- Offer cigarettes, alcohol, or gifts of any sort;
- Swear, make personal/humiliating comments, or tell inappropriate jokes in person, or by any other means e.g. social media

- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer;

- Show passengers videos, websites or pictures on a mobile phone, or any other electronic device.

If a driver has concerns or suspects abuse, neglect or exploitation of a passenger then these should not be ignored. If there are any suspicions or concerns about the way someone is being treated it is important to report this. The safeguarding of children and vulnerable adults is everybody's responsibility.

Remember that your information could help a vulnerable child or adult.

If a driver is working under a Cambridgeshire County Council contract then their documents and guidance procedures should be followed alongside any training received by the driver. Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have of anyone being subject to abuse, neglect or exploitation:

Action to be taken if you have concerns:

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on **999 or 112**

- If you are suspicious, or are concerned that a child or an adult is suffering, or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent matter, please call East Cambridgeshire District on 01353 665555.

If you would prefer to speak to the police on a non-urgent matter then call them on **101** and follow the directions for Cambridgeshire Constabulary.

APPENDIX J: DRESS CODE FOR LICENSED DRIVERS

East Cambridgeshire District Council is committed to encouraging the professional image of the hackney carriage and private hire trade, and considers that drivers of licensed vehicles are vocational drivers. The council considers therefore, that divers should conform to a minimum standard of dress, as set out below, in order to raise the profile of the licensed trade. It is expected that such standards shall be maintained at all times.

Acceptable standards of dress

1) **Tops**
   Shirts, blouses, t-shirts, or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.

   Shirts or blouses can be worn with or without a tie.

2) **Trousers/shorts/skirts**
   Shorts should be tailored and sit no more than 3inches above the knee.
   Skirts should sit no more than 3inches above the knee
   Trousers/jeans free from rips

3) **Footwear**
   Footwear should fit around the heel of the foot. Safety shoes with protected toe-caps are recommended. Footwear with pronounced heels is not recommended.

Unacceptable standards of dress

The following are unacceptable:

- Clothing or footwear which is unclean or damaged;
- Clothing printed with words, logos or graphics, which might offend;
- Studs or sharp-edged clothing;
- Beach-type footwear (e.g. flip-flops);
- Sports tops branded with team logos

Private Hire Executive Exempted Vehicle Drivers Only

- Drivers shall wear business attire and formal shoes at all times. Discreet company logos will be permitted.

APPENDIX K - APPLICATION PROCEDURES

1 DRIVERS

1.1 New Drivers

1.1.1 Applications for driver licences may be made at any time of the year.

1.1.2 Applications must be made on the form prescribed by the Council

1.1.3 In support of a completed application form, the application will only be considered valid once the Council is in receipt of the following:

(i) a current full UK or EEA/EU driving licence (including paper counterpart if a photocard licence) EEA/EU licences must be registered with the DVLA.
(ii) a suitable enhanced DBS disclosure certificate (no older than 3 months), or a suitable DBS update service certificate and update service consent form.
(iii) the specified fee
(iv) a D4 Group II medical report, "fit to drive" certificate signed by the testing Dr., and the applicant's summary medical notes (no older than 4 months).
(v) a digital Passport style colour photo which must reflect your current image
(vi) a driving assessment pass certificate from an approved supplier (see website)
(vii) a safeguarding training certificate from an approved supplier (see website)
(viii) proof of right to work in the UK
(ix) a tax code, or signed declaration that you know you need to register for tax.
(x) consent to check your DVLA licence
(xi) local knowledge test pass certificate, taken at the Council Offices.
(xii) a certificate of good conduct from your own Embassy if you have not lived in the UK continuously for the previous 5 years.

If applying for a Restricted Private Hire driver licence, item (xi) will be replaced with the following:

"(xi)" - signed knowledge fact sheets must be returned to officers during the application period.

and item (xiii) below will be required:

"(xiii)" – third party online form submission declaration.

If an applicant holds a valid taxi driver licence with another licensing authority at the time of application, items (vi), and (vii) may be satisfied by providing proof this training was conducted to obtain that licence. Proof can be satisfied by providing the original certificates or confirmation directly from the other licensing authority.

All documents must be submitted via the online application form provided in a pdf format, with the exception of the digital Passport photo that can be submitted in a jpg format.

1.2 Renewals

1.2.1 Applications must be submitted at least 28 days before the expiry date to ensure your new licence will be ready before your old licence expires in order to ensure continuity.

1.2.2 Applications must be made on the form prescribed by the Council

1.2.3 In support of a completed renewal application form, the applicant must provide the following original documentation:

(i) a current full UK or EEA/EU driving licence (including paper counterpart if a photocard licence)
(ii) the specified fee
(iii) a digital Passport style colour photo which must reflect your current image
(iv) a tax code

In addition to the above, it will also be necessary to submit updated copies of any expired documents required to maintain a driver licence. This information will be provided on the renewal reminder, but remains the licence holder's responsibility to monitor, and the reminder should not be relied upon.

2 PRIVATE HIRE VEHICLES

2.1 New Vehicles

2.1.1 Applications for vehicle licences may be made at any time of the year

2.1.2 Applications must be made on the relevant form prescribed by the Council

2.1.3 In support of a completed application form, the application will not be considered valid until the Council is in receipt of the following:

(i) the full V5C registration document. If the vehicle is not registered in the applicant's name, proof of proprietorship for the proposed vehicle will be required.
(ii) Basic DBS certificate for all applicants (unless licensed by the Council as a driver)
(iii) insurance certificate covering the nature of work for all proposed drivers, and third party risks to at least £1million
(iv) a vehicle test compliance certificate (supplied electronically by the approved garage)
(v) the specified fee
(vi) SVA or IVA certificate (Limousines, Novelty, and non-M1 approved vehicles only)
(vii) meter certificate (if a meter is fitted to the vehicle)
(viii) proof of road fund duty

Item (iv) is not required where the proposed vehicle entering the fleet is less than twelve months old and has under 10,000 miles on the clock at the time of application.

2.2 Renewals

2.2.1 Applications must be submitted at least 28 days before the expiry date to ensure your new licence will be ready before your old licence expires in order to ensure continuity.

2.2.2 Applications must be made on the form prescribed by the Council

2.2.3 In support of a completed renewal application form, the applicant must provide the following original documentation:

(i) the full V5C registration document for the existing vehicle which must show the same details as those already held by the Council.
(ii) the specified fee

2.3 Transfer of Vehicle Ownership

2.3.1 Applications must be made on the form prescribed by the Council

2.3.2 In support of a completed transfer application form, the applicant must provide the same documentation as per a new vehicle application, as well as the following:

(i) consent to transfer from the original licence holder

2.4 Variation of Vehicle attached to a Licence

2.4.1 Applications must be made on the form prescribed by the Council

2.4.2 In support of a completed variation of vehicle application form, the applicant must provide the same documentation as per a new vehicle application, see section 2.1.

3 PRIVATE HIRE OPERATORS

3.1 New Operators

3.1.1 Applications for Private Hire operator licences may be made at any time of the year.

3.1.2 Applications must be made on the form prescribed by the Council

3.1.3 In support of a completed application form, the applicant must provide the following:

(i) Basic DBS disclosure certificate (unless licensed by the Council as a driver)
(ii) the specified fee
(iii) proof of planning permission for the proposed operator base
(iv) proof of residency if applying for a residential property
(v) public liability insurance (if applicable)
(vi) employers liability insurance (if applicable)
(vii) a tax code, or signed declaration that you know you need to register for tax.

3.2 Renewals

3.2.1 Applications must be submitted at least 28 days before the expiry date to ensure your new licence will be ready before your old licence expires in order to ensure continuity.

3.2.2 Applications must be made on the form prescribed by the Council

3.2.3 In support of a completed renewal application form, the applicant must provide the following:

(i) the specified fee
(ii) a tax code

4 GENERAL PROCEDURES

4.1 Online application forms are available at www.eastcambs.gov.uk. All documents must be uploaded via the online form.

4.2 It is necessary for the Licensing Authority to see original DBS certificates, and proof of right to work in the UK documents (unless providing a right to work share code (Non-UK residents only), or via an online right to work check (Valid UK and Irish Passport holders only)). These documents can be provided in person or by post. Original documents posted to us will be returned via standard first-class post. Video calls will be conducted where documents are posted.

4.2.1 Applications can be processed on the strength of copies of the supporting documents required by sections 1, 2 and 3 of this appendix, but certain supporting documents must be provided as originals before a licence can be issued. All applicants will be advised of what original copies they still need to provide on their “ready to collect” email which is sent out by officers.

4.3 Local knowledge tests can be booked by calling 01353 616343. There are two available slots Monday to Friday. The first test is included in the application fee, but all further tests are currently charged at a rate of £40.00.

4.4 Driving assessments, medicals, and safeguarding training must be arranged by the applicant at their own expense.

4.5 Vehicle compliance tests can be conducted by any of our authorised garages listed in **Appendix R** prior to submitting vehicles for testing at a garage, applicants must obtain an appointment, and ensure that the vehicle is clean enough to be inspected and is mechanically sound.

4.6 Plates, badges and licences may be collected from the Council Offices during office hours. All licence holders will be notified by phone or text once their documents are ready to collect. Existing licence holders must return their old plates and/or badges to collect their new ones.

4.7 Where a licence is renewed, but on the day of issue any of the required interim documents have expired, the licence will be suspended or held in a pending status until such time as the out of date documents are brought up to date.

5 CONSIDERING APPLICATIONS

5.1 The Licensing Authority will only consider complete applications.

5.2 Renewal applications must be completed before the existing licence expires.

5.3 If Officers are satisfied that the applicant is a “fit and proper” person (driver, and operator applications), or in the case of a vehicle is “fit for purpose” and the applicant(s) are suitable, a licence will be issued under delegated powers as provided for by the Council’s “Scheme of Delegation”.

5.4 Successful applicants will be notified by email, or by text.

(i) Those who are granted driver licences will be provided with a badge and paper licence, which shall remain the property of the Council and must be surrendered to the Council on the termination of any licence period, or when the driver formally surrenders their licence, or when otherwise directed in accordance with this policy.

(ii) Those who are granted vehicle licences will be provided with vehicle plates, paper licence and door stickers (if applicable), which shall remain the property of the Council and must be surrendered to the Council on the termination of any licence period, or when the licence holder formally surrenders their licence, or when otherwise directed in accordance with this policy.

(iii) Those who are granted operator licences will be provided with a paper licence, which shall remain the property of the Council and must be surrendered to the Council on the termination of any licence period, or when the licence holder surrenders their licence, or when otherwise directed in accordance with this policy.

5.5 If Officers are <u>not</u> satisfied that the applicant should be granted a licence, the matter will be referred to the Licensing Manager, who may in turn refer the matter to the Licensing (Non-Statutory) Sub-Committee for determination.

5.6 In these cases all parties will be informed of the date of the hearing, and they will be provided a report. During the hearing a maximum of five elected Members will ask questions of the applicant, and the applicant will be given time to submit their representations.

5.7 The applicant will be informed of the decision Members have taken at the conclusion of the hearing. Unsuccessful applicants will be informed of their right to appeal the decision.

APPENDIX L - TESTING OF APPLICANTS

1.0 Introduction

Applicants for hackney carriage and standard private hire driver licences and private hire operators will be required to undergo a computerised test as part of the process of satisfying the council that they are suitable persons to hold such a licence. In addition, the council needs to be satisfied as to the medical fitness of applicants seeking a licence.

2.0 Local Geography (Joint hackney carriage and private hire applications only)

Applicants will be tested on their knowledge of East Cambridgeshire District Council geography, by selecting the shortest routes between locations in the area.

3.0 Highway code

Applicants will be asked to answer a number of questions relating to driving skill, road information and etiquette, as set out in the Highway Code.

4.0 District Council Policy

Applicants will be tested on their knowledge and understanding of the hackney carriage and private hire licensing policy document.

5.0 Numeracy

Applicants will be tested on their ability to carry out elementary mental arithmetic, as encountered in calculating the change to be paid to a potential customer who overpays a fare.

6.0 Disability awareness

All applicants will be tested on their knowledge on the carriage of assistance animals and interaction with disabled customers.

7.0 General

Questions covering vehicle maintenance, seat belt rules, smoking etc.

8.0 Understanding of spoken English

All applicants will be tested on their understanding of spoken English, as it is important that all drivers have the ability to interact with customers as and when needed.

9.0 Permitted attempts

All tests are computerised, and no two tests are identical. Applicants may take a test every 8th day should they fail to pass the test being taken. The first test is included in the application process, an additional fee is payable for all re-sits.

APPENDIX M - RELEVANCE OF CONVICTIONS FOR NEW APPLICANTS

Definitions

"free of conviction" shall mean from the date the applicant was convicted. If the incident did not amount to a criminal offence or is not to be prosecuted, then the relevant date will be the date of the incident.

'Caution' an admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the court.

"offence" shall mean any criminal offence and/or any other behaviour including a civil penalty which brings into question whether the applicant is a fit and proper person.

In this policy, conviction shall mean a criminal conviction or a civil penalty. However, if the applicant is on trial, is not to be convicted or the incident did not amount to a criminal offence, the suggested periods free from convictions shall be considered by the Council when making their decision, taking all the evidence before them into account.

Each case is to be taken on its own merit.

Some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally the history of offending (including multiple offences/combinations of offences /types of offences) and/or behaviour may warrant a longer period free from convictions.

Accordingly, whilst it is possible that an applicant may have a number of convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the applicant's suitability to be licensed.

A series of civil or criminal offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously, some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but **the overriding consideration is the protection of the public**.

Simply remaining free of convictions will not necessarily be sufficient to show that a person is fit and proper where other circumstances/evidence bring this into question. Furthermore, it should always be remembered that the periods free of conviction in this section are suggested minimums.

Whilst the time period detailed in this section provides guidance to potential applicants as to how long they should wait before applying for a licence following described offences/convictions, any application made following these guidelines is still subject to the same considerations as to whether the applicant is fit and proper, and therefore simply following the guided timescales in no way guarantees the granting of a licence.

Notwithstanding and without prejudice to any other provision within this document, ordinarily the Council would as a minimum expect the standard rehabilitation periods identified in the Rehabilitation of Offenders Act 1974 to have expired.

Criminal convictions or civil penalties will be considered by officers or, in cases of doubt, by the licensing sub-committee.

An application from any person who is under Police or other regulatory body investigation, or awaiting trial for an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences,

dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will not normally be considered until the outcome of the trial or investigation.

In order for the Council to fully consider the case on its merits, the applicant should provide a written statement of the offences (including any that they are awaiting trial for), with evidence, covering the nine points in the paragraph below, which would be available for examination by the Council.

Where the Council becomes aware of issues including previous criminal history/convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage/private hire driver and/or significant comments on any DBS check, consideration will be given to each applicant's suitability for licensing against the following criteria (in no particular order):

- nature of the offence/conduct/charge etc.
- circumstances in which the offence/conduct/charge etc. was committed
- circumstances of the individual concerned
- subsequent periods of good behaviour
- overall conviction/behaviour history
- sentence imposed by the court
- seriousness of the offence/conduct/charge etc
- any other character check considered reasonable (e.g. personal references)
- taking all the above issues into account, together with any other relevant issues, whether the protection of the public may be at risk.

These guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as to whether an individual is a fit and proper person to hold a hackney carriage or a private hire driver’s licence.

Crimes resulting in death
Where an applicant 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.

Exploitation
Where an applicant 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 abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person
Where an applicant has a conviction for an offence of violence against the person, 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.

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 seven years have elapsed since the completion of any sentence imposed.

Sexual offences
Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

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.

Dishonesty
Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

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.

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 five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination
Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions
Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs
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 seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving
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 five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Insurance offences
A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident would normally prevent a licence being granted until a period of three years from the date of the offence has expired. More than one conviction for these offences within the past ten years would normally prevent a licence from being granted.

Licensing offences
This subsection applies to licensing offences not covered elsewhere within this convictions and behaviour section of the policy such as plying for hire, using an unlicensed vehicle/driver.

At least 12 months free of conviction should elapse before an application will be considered. Unless there is significant mitigation, an applicant will normally be refused until a period of at least three years free of conviction has expired where the applicant has committed more than one licensing offence within the last five years.

An applicant with an isolated conviction that is more than one year old, may be licensed subject to a written warning.

Individuals previously licensed by the Council and revoked for offences connected to their licence will not normally be granted a further licence in the future. Cases such as this will be considered by the Licensing Manager under their delegated authority, or may be referred to a sub-committee for determination.

Cautions
An admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the court.

Non-conviction information
If an applicant has been arrested or charged, but not convicted for an offence or is subject to an antisocial behaviour injunction/order or similar order, which suggests he/she may not be a fit and proper person, or if there is other evidence to suggest the applicant may not be a fit and proper person, consideration should be given to refusing the application.

Failing to declare convictions on the application form should normally result in refusal and at least twelve months elapsing from the date of receipt of the application form before an application will be considered and a new application will be required.

As with the rest of this part of the policy, in assessing the action to take, the safety and security of the travelling public must be the paramount concern.

Suspension/refusal/revocation by the "Council" or another Council
An applicant who has been suspended/refused/revoked by "the Council" or another Council may not be considered "fit and proper" for a period of at least 3 years from the date of the suspension/refusal/revocation. This period may be extended depending on the circumstances. The NR3 register will be consulted for all applications.

The Council shall also have a right to make enquiries of that other authority.

APPENDIX N - RELEVANCE OF CONVICTIONS FOR EXISTING LICENCE HOLDERS

Definitions

'Free of conviction' shall mean from the date the applicant was convicted. If the incident did not amount to a criminal offence or is not to be prosecuted, then the relevant date will be the date of the incident.

'Caution' an admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the court.

'Offence' shall mean any criminal or civil offence and/or any other behaviour including a civil penalty which brings into question whether the applicant is a fit and proper person.

In this policy, conviction shall mean a criminal or civil penalty. However, if the licence holder is on trial, is not to be convicted or the incident did not amount to a criminal offence, the suggested periods free from convictions shall be considered by the Council when making their decision, taking all the evidence before them into account.

Time of action
Licence holders are required to advise the Council when they are notified that they are being investigated for **any offence** so that the Council can consider the appropriate action to take against the licensee as detailed below.

The actions described below will be taken when the Council becomes aware of offences.

However, where licensees do not inform the Council in a timely manner, this will be a further consideration with regards to the effect that those offences have on the licensee's status as a fit and proper person.

If offences come to light on the standard renewal of criminal record check, or through a third party this will have a significant impact on the consideration of whether the person remains fit and proper to hold a licence. Licence holders may be revoked or suspended, or have future renewal applications refused.

Policy details
Each case is to be taken on its own merit.

Any person awaiting trial for or suspected of committing an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will normally be revoked pending the outcome of an investigation or trial.

Although each case will be assessed on its own merits in line with this policy, licence holders should expect the revocation of their licence for these types of offences to be immediate in nature. The initial consideration regarding revocation will be undertaken by officers. However, in cases of doubt these will be referred to the Licensing (Non-Statutory) Sub-Committee.

When considering whether a licence should be suspended or revoked, some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally the history of offending (including multiple offences/combinations of offences/types of offences) and/or past behaviour may be considered as aggravating factors. Accordingly, the overall offending history must be considered when assessing the licence holder's suitability to remain

licensed.

Therefore any licence holder who is under Police or other regulatory body investigation, or awaiting trial for or suspected of committing an offence or demonstrating behaviour which, taken together with the licence holder's history of offending (including multiple offences /combinations of offences /types of offences) and behaviour (including before the licence was granted and during the course of the licence), leads the Council to believe that the licence holder is not a fit and proper person to hold a licence, may have their licence suspended or revoked.

Whilst it is possible that a licence holder may have a number of previous convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the licence holder's suitability to continue to be licensed. A series of offences/behaviour over a period of time is more likely to give cause for concern than an isolated minor conviction/demonstration of unacceptable behaviour. Obviously, some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but **the overriding consideration is the protection of the public**.

In order for the Council to fully consider a case on its merits, the licence holder should provide a written statement of the offences, with evidence, covering the nine points in the paragraph below, which would be available for examination by the Council.

Where the Council becomes aware of issues including previous criminal history/convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage/PHV driver and/or significant comments on any DBS check, consideration will be given to each licence holder's suitability for licensing against the following criteria (in no particular order):

- nature of the offence/conduct/charge etc.
- circumstances in which the offence/conduct/charge etc. was committed
- timely notification to the Council of offence/conduct/charge
- circumstances of the individual concerned
- subsequent periods of good behaviour
- overall conviction/behaviour history
- sentence imposed by the court
- seriousness of the offence/conduct/charge etc.
- any other character check considered reasonable (e.g. personal references)
- taking all the above issues into account, together with any other relevant issues, whether the protection of the public may be at risk

These guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as to whether an individual is a fit and proper person to continue to hold a hackney carriage or a private hire driver's licence.

Any written warning as to future conduct could result in the licensed driver being required to pay an administration fee.

Crimes resulting in death
Where a 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 be revoked and will not be re-licensed.

Exploitation
Where a 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 be revoked and will not be re-licensed. This includes slavery, child

sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person
Where a licensee has been convicted for an offence of violence against the person, or connected with any offence of violence, they will be revoked, and a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon
Where a licensee has a conviction for possession of a weapon or any other weapon related offence, they will be revoked, and a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences
Where a licensee has a conviction for any offence involving or connected with illegal sexual activity, they will be revoked, and a licence will not be granted.

Dishonesty
Where a licensee has a conviction for any offence where dishonesty is an element of the offence, they will be revoked, and a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs
Where a licensee 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, they will be revoked, and a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where a licensee has a conviction for possession of drugs, or related to the possession of drugs, they should expect to be revoked, and a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination
Where a licensee has a conviction involving or connected with discrimination in any form, they should expect to be revoked, and a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions
Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not result in formal action being taken. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs
Where a licensee has a conviction for drink driving or driving under the influence of drugs, they will be revoked, and a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of

drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving
Where a licensee has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, they should expect to be suspended or revoked, and a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Insurance offences
A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An incident would normally result in a licence being revoked with a further application not being considered until a period of three years from the date of the offence has expired. A further application will not normally be considered if a licence holder has more than one conviction in the last 10 years for an offence of dishonesty (including prior to obtaining their licence).

Licensing offences
This subsection applies to licensing offences not covered elsewhere within this criminal convictions and behaviour section of the policy such as plying for hire, using an unlicensed vehicle/driver, refusing to carry disabled persons. It also applies to non-compliance with this Policy, including not complying with the conditions of the licence.

Consideration will be given as to whether the licensing offence/non-compliance should result in the suspension or revocation of the licence. Consideration will be given to the seriousness of the offences/non-compliance as well as to the previous history of compliance.

Non-conviction information
If evidence comes to the attention of the Licensing Authority to suggest the applicant may not be a fit and proper person, consideration will be given to revoking or suspending the licence or issuing a warning as to future conduct, or the refusal of any pending renewal application This evidence does not need to meet the criminal threshold to be taken into account and can include warnings and Criminal Behaviour Orders.

As with the rest of this part of the policy, in assessing the action to take, the safety and security of the travelling public must be the paramount concern.

Suspension, refusal, revocation by another Council
If an existing driver is suspended, refused, revoked by another Council, enforcement action may be taken against them, depending on the reason for the action already taken. The NR3 register will be consulted for all renewal applications, and where the need arises.

APPENDIX O - ENFORCEMENT POLICY

1 ENFORCEMENT POLICY STATEMENT

1.1 The Council issues private hire driver, vehicle, and operator licences to ensure passenger safety. The licences have conditions attached designed to ensure vehicles are safe, and that drivers and operators are assessed and monitored to ensure they are a 'Fit and Proper'.

1.2 The Guidance is clear on the necessity of enforcement to maintain high standards of public safety. This may be of the statutory requirements or the council policies as directed by regulations and current best practice. All enforcement schemes need to be proportionate and transparent. The Council has a good working relationship with the hackney carriage and private hire trade, which is born out of the application of consistent standards for all parties.

1.3 Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly criminal behaviour. Due to this an enforcement policy that is fit for purpose must have a wide range of sanctions available for Authorised Officers to select from. The following pages detail these sanctions.

1.4 It is the intention of East Cambridgeshire District Council to have Authorised Officers deal with vast majority of the Council's private hire enforcement, and to this end Officers will be authorised to take action suitable to their status. Unless otherwise stated within this appendix, or this Policy decisions will be taken by Officers.

1.5 All Officers and Members (where appropriate) will make enforcement decisions in accordance with this Policy, and will not depart from the Policy unless the decision to do so can be fully justified.

1.6 The authority will work to the standards in the Police and Criminal Evidence Act Codes of Practice

2 ENFORCEMENT OPTIONS

2.1 There are a number of options that shall be considered following the identification of an activity for which the necessary licence or registration has not been applied for or the Licensee has not complied with the conditions of a licence, or consent issued by the Council such as to constitute an offence. One or more of the following may be deemed appropriate:

- No further action
- Informal action (verbal warnings/written warnings, or penalty points)
- Use of s68 notices
- Suspension of a licence
- Revocation of a licence
- Refusal to renew a licence
- Issue a Simple Caution
- Commence a prosecution
- A combination of any of the above

2.2 When considering the level of enforcement action to be taken they will consider, but will not be limited to, the following:

(i) the seriousness of any offence(s);
(ii) the driver's or operator's past history;

(iii) the consequence of non-compliance;
(iv) the likely effectiveness of the various enforcement options;
(v) the risk to the public.

3 INFORMAL ACTION

3.1 Informal action may be verbal advice, requests or warnings in the form of a letter given on Council headed paper. This could also include the issuing of penalty points. This may be appropriate in the following circumstances:

- the breach is not of a serious nature
- past experience has shown that such action will be effective
- there is no significant risk to the safety or health of any person
- informal action will be more effective and/or quicker than formal action
- there is confidence that the person receiving the advice/letter will comply with it.

Written responses will include the following:

- the legislation that has or may have be contravened
- what action is required to ensure the legislation is not/no longer contravened
- the timescale for the action to be concluded
- the nature of the enforcement action the Council may take in the future
- clear differentiation between advice and legal requirements
- an invite to discuss the content of the letter with the case officer.

4 S68 NOTICES

4.1 An Authorised Officer or a Police Officer may issue a s68 notice where they have reason to believe the vehicle is not fit for purpose, or the taximeter affixed to the vehicle is not correctly sealed and calibrated. The effect of this notice is that it suspends the licence with immediate effect, and provides a period of two months to have the issues identified resolved.

4.2 A s68 notice can be lifted as soon as the Authorised Officer, or Police Officer is satisfied that the works have been completed and the vehicle or taximeter is fit for purpose.

5 SUSPENSION NOTICE

5.1 Whilst each case will be taken on its own merit, generally a Suspension Notice will normally be served in the following cases:

(i) Where any required documents have expired.
(ii) Where any compulsory training has not been taken or passed.
(iii) If there is a history of non-compliance with the licence conditions or legislation.
(iv) Where 12 penalty points have been issued in a twelve-month period.
(v) If there is a significant contravention in terms of risk to members of the public due to non-compliance.
(vi) Any other serious matter not reaching the revocation threshold.
(vii) The Crown Prosecution Service, Police, or Court have provided instruction to the Licensing Authority to suspend the driver, and/or vehicle, and/or private hire operator's licences.

5.2 Where a licence is refused, revoked or suspended the licence holder will be provided with a decision notice within 14 days of the decision being made. This notice will state the grounds on which the action was taken, and any rights of appeal.

5.3 Where it is considered to be in the interests of public safety, a suspension can be issued to take effect immediately by Officers (Local Government (Miscellaneous Provisions) Act 1976 section 61(2B)) and can remain in force until the cause of the action being taken is rectified, or the period of suspension has been served.

5.4 The Licensing Committee will be advised of the issue of Suspension Notices as an information item.

6 REVOCATION OF LICENCES

6.1 To assess the need to revoke a licence the question “is there likely to be a significant risk to passenger safety if the action is not taken" will be posed. Only if the answer is yes will action be taken. The decision to revoke the licence may be made by the Licensing Manager, or the Licensing (Non-Statutory) Sub-Committee in accordance with the following information:

(i) There has been or is a significant risk to the safety or health of any person
(ii) There has been a significant contravention of the legislation
(iii) There is a lack of confidence in an informal approach being positively responded to or such an approach has already failed.
(iv) There is a history of non-compliance.
(v) The licence holder has been charged with or bailed for a serious crime involving;

- violence, dishonesty, indecency, drugs, drunkenness with a vehicle.

(vi) The person is not a “fit and proper” person to be a licensed driver.
(vii) The Crown Prosecution, Police, or Court have provided instruction to the Licensing Authority.

6.2 In cases of serious crime, or where the individual has been deemed no longer “fit and proper”, the driver’s badge will be revoked immediately by Officers (Local Government (Miscellaneous Provisions) Act 1976 section 61(2B)).

6.2.1 When considering whether to revoke with immediate effect Officer’s will consider the following factors:

- Is it in the interests of public safety to take action immediately?
  - Was the offence committed whilst at work, or whilst the individual was in or about the licensed vehicle?
  - Is the offence or complaint considered to be racially motivated?
  - Does the offence or complaint involve a person who could be considered to be from a vulnerable section of society?
  - Has the Crown Prosecution Service given any directions?
  - Have the Police provided any background information?

6.2.2 In cases where Officers decide not to revoke with immediate effect, and the licence holder subsequently appears before a Court of Law, the Licensing Authority reserves the right to seek revocation following the outcome of the trial.

6.3 The Councils legal section will be consulted prior to revoking the licence to ensure all legal aspects are considered. The action will be discussed with the Chair of the Licensing Committee wherever possible.

6.4 The Licensing Committee will be advised of the issue of Revocation Notices as an information item.

7 PROCEDURE ON WHETHER TO REVOKE, OR REFUSE A LICENCE, OR IN CASES OF DOUBT, WHEN A DECISION BY COMMITTEE IS REQUIRED:

Should the Licensing Manager consider the case needs to be determined by the Licensing (Non-Statutory) Sub-Committee the following procedure will be followed to ensure a fair hearing takes place:

- Twenty-eight days-notice of the hearing will be given to the licence holder
- The licence holder will be entitled to legal representation (at their own cost)
- Evidence will be given before the licence holder, including evidence provided by Officers or witnesses etc.
- The formal procedures of committee will be followed.
- The chair shall establish if the applicant is aware that they may be legally represented
- The applicant will be given the opportunity to present his case, and call witnesses, who may be questioned
- The committee can question Officers, or Police, followed by the applicant or his representative
- The applicant will be allowed to question any of those who have given evidence
- The applicant will be allowed to make a final statement

Members will make a decision in private session, accompanied only by the clerk, and legal advisor. The applicant will be advised of the decision, to be confirmed in writing within 14 days and be informed of the statutory rights of appeal.

8 PROSECUTION

8.1 Prosecutions will normally only be contemplated when the offences are serious, for example where there is a potential for risk to passenger safety, where the law has been blatantly disregarded, or as a result of refusal to accept other courses of action, such as the acceptance of a Simple Caution, see section 9.

8.2 When the circumstances have identified that a prosecution may be warranted, it is necessary to assess the evidence and information available to enable a consistent, proportionate, and reasonable decision is reached.

8.3 Once the “evidential test” has been satisfied, it is necessary for Officers to consider the “public interest test” before looking to commence proceedings. A decision on whether the test has been satisfied may consider, but is not limited to the following:

- The risk of harm to the public
- The seriousness of the alleged offence
- The disregard of safety for private gain
- The previous history of the licensee.
- The explanations or attitude of the licensee.
- The willingness of potential prosecution witnesses to co-operate.
- The probable public benefit of the case, and the importance of the case, for example, establishing legal precedent.
- Would the use of a Simple Caution be more appropriate.

8.4 A prosecution will only be commenced after both “tests” have been satisfied. The decision to commence a prosecution will be agreed in principle with the Licensing Manager after consultation with the Councils legal section and the Chair of the Licensing Committee.

9 SIMPLE CAUTION

9.1 These are considered as an alternative option to prosecution for serious matters. They may be used against proprietors, authorised representatives of companies, or individual offenders.

9.2 The purposes of a Caution are to:

(i) deal quickly and simply with less serious offences;
(ii) divert less serious offences away from the Courts;
(iii) reduce the probability of repeat offending.

9.3 Before a Caution can be issued the following must be satisfied:

- The alleged offender must admit the offence.
- There must be sufficient evidence such as to give a realistic prospect of conviction if a full prosecution was to take place.
- The alleged offender must understand the significance of the Caution and give informed consent.

Where any of the items listed above are not satisfied, it will not be possible to issue a Caution, and consideration will be given to the most appropriate enforcement action to take. Whilst this may mean probably mean a prosecution, this may not necessarily be the case.

9.4 Where the items listed in section 9.3 are satisfied, the simple caution will be issued by the Licensing Manager by inviting the offender or representative to the Council Offices.

9.5 A copy of the Caution will be given to the offender and a further copy will be sent to the Central Registrar of Convictions. The Legal Department will hold the Council's copy of the Caution.

9.6 The issue of simple cautions will be reported to the Committee as an information item.

10 DELIVERY OF NOTICES

10.1 Any notice required to be served by the Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, or this Policy shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of the holder of the licence, or sent to the email address provided by the application on their most recent application.

11 APPEAL AGAINST REFUSAL, SUSPENSION OR REVOCATION OF A LICENCE

11.1 Appeal procedures will be detailed with notices sent out.

11.2 The effect of any action taken by the Council shall be stayed upon the lodging of an appeal until such time as the appeal is withdrawn, or disposed of by the Court, save for the decision to suspend a driver's licence with immediate effect under section 61(2B)) of the Local Government (Miscellaneous Provisions) Act 1976. For the avoidance of doubt, a driver suspended via section 61(2B)) will remain suspended until the appeal is disposed of by the Court.

APPENDIX P - PENALTY POINTS SYSTEM

The Penalty Points Scheme will operate as follows:

1 Officers will fully consider the facts of the licence breach, or offence before determining whether the use of the penalty points system is appropriate. Where the facts of the case merit it, the points will be issued in accordance with this appendix. If this appendix allows a range of points for the particular incident, the Officer will determine the appropriate number of points proportionate to the offence.

2 Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The issuing of penalty points is not a formal sanction in its own right, it is merely an open and transparent method of how a driver will be assessed in terms of the 'fit and proper person' test. The points system is predominately an internal management tool for ensuring that drivers who repeatedly contravene regulations and/or this Policy are assessed by the Licensing Manager.

3 There is no right of appeal against the award of penalty points by an Authorised Officer of the Council, as this is not a formal sanction in its own right, as stated in paragraph 2 above. In the absence of a right of appeal, any driver awarded points may submit a representation in writing, or request a formal meeting with the Senior Licensing Officer to present mitigating circumstances within 10 working days of being issued the points. In such cases, the Senior Licensing Officer will re-consider the level of points issued.

4 A maximum of twelve penalty points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose penalty points, a licence holder has committed more than one offence or breach of licence conditions, no more than twelve points will be imposed. See section 6.1.

5 Points issued to either a proprietor, driver, or operator will be confirmed in writing within ten working days from the discovery of the contravention or the conclusion of an investigation into a complaint.

6 When issued, the penalty points will remain "live" for a period of three years from the date they are imposed so that only points accumulated in a rolling thirty-six month period will be taken into account.

6.1 If a driver, proprietor or operator accumulates twelve or more points within a period of three years from the date they are imposed, their file will be passed to the Licensing Manager who will consider the appropriate action to be taken in accordance with this Policy, or they may refer the case to the Licensing (Non-Statutory) Sub-Committee, where the appropriate action will be taken in accordance with this Policy.

7 Where a licence holder has their case passed to the Licensing Manager or the Licensing (Non-Statutory) Sub-Committee, the options available will include the suspension or revocation of the licence, where appropriate. If it is considered that the matter does not warrant the suspension or revocation of the licence, the period for which the points are to remain "live" may be extended, or a written warning to the driver as to his or her future conduct may be issued.

8 Although each case will be assessed on its own merits, more than one accumulation of penalty points in excess of the twelve-point threshold in any three year period will normally result in the revocation of the licence.

8.1 Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the “live” period is extended or a written warning given, the points will remain "live" for the normal three-year period.

9 A licence holder will retain the right to be represented at any meeting with the Licensing (Non-Statutory) Sub-Committee, either legally or otherwise, and to state any mitigating circumstances they deem necessary.

10 The penalty points system will operate without prejudice to the Council’s ability to take other action under appropriate legislation or as provided for by this Policy.

PENALTY POINTS RELATING TO OFFENCES IN RESPECT OF LEGISLATION

Town Police Clauses Act 1847			
Section	**Offence**	**Applicable to**	**Points**
44	Fail to notify a change of name or address	V	3
45	Plying for hire without a hackney carriage licence	D, V	12
47	Lending or parting with a hackney carriage driver’s licence	D	12
47	Hackney proprietor employing an unlicensed driver	V	12
48	Failure of hackney proprietor to hold hackney carriage drivers licence	V	3
48	Failure of hackney proprietor to produce HC driver’s licence	V	3
52	Failure to display a hackney carriage plate	D, V	4
53	Refusal to take a fare	D	6-12
54	Charging more than the agreed fare	D, V	12
55	Obtaining more than the legal fare	D	12
56	Travelling less than the lawful distance for an agreed fare	D, V	6-12
57	Failing to wait after a deposit to wait has been paid	D	6
58	Charging more than the legal fare	D, V	12
59	Carrying another person without the hiring party’s consent	D, V	6-12
60	No person to act as a driver of any carriages without consent of the proprietor	D	4
60	Person allowing another to drive a HC without the proprietor’s consent	D	4
61	Drunken driving of a hackney carriage	D	12
61	Wanton or furious driving or wilful misconduct leading to injury or danger	D	12
62	Driver leaving hackney carriage unattended	D	4
64	Hackney driver obstructing other hackney carriages	D	4

Local Government (Miscellaneous Provisions) Act 1976			
Section	**Offence**	**Licence type**	**Points**
46(1)(a)	Using an unlicensed private hire vehicle	V	12

46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	V	6-12
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	O	12
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	O	12
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	O	6-12
48(6)	Failure to display a private hire vehicle plate	D, V, O	4
49	Failure to notify the transfer of a vehicle licence	V	3
50(1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request	V	6-12
50(2)	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	V	3
50(3)	Failure to report an accident to the Council within 72 hours	V	6
50(4)	Failure to produce the vehicle licence and insurance upon request	V	4
53(3)	Failure to produce a driver's licence upon request	D	4
54(2)	Failure to wear a private hire driver's badge	D	4
55B	Subcontracting to a PH operator knowing that the sub-contractor will use an unlicensed vehicle or driver	O	6-12
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	O	6-12
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	O	6
56(4)	Failure of a private hire operator to produce his licence on request	O	4
57	Making a false statement or withholding information to obtain a hackney carriage or private hire driver's licence, or PH operator licence	D, O	3-12
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	V	6
61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew	D	6
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	D, V	6
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement	D	12
67	Charging more than the meter fare when hackney carriage is used as a private hire vehicle	D, V	12
69	Unnecessarily prolonging a journey	D	6-12
71	Interfering with a taxi-meter with intent to mislead	D, V	12
73(1)(a)	Obstruction of an Authorised Officer of the Council or a Police Officer	D, V, O	6-12

73(1)(b)	Failure to comply with a requirement of an Authorised Officer or Police Officer	D, V, O	6-12
73(1)(c)	Failure to give information or assistance to an Authorised Officer or Police Officer	D, V, O	6-12

Equalities Act 2010			
Section	**Offence**		**Points**
165	Refusal to carry a wheelchair user	D	6-12
165	Refusal, or failure to provide mobility assistance to a wheelchair user	D	6-12
165	Charging an additional fee for the carrying of a wheelchair user	D	6-12
168	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage vehicle without a valid certificate of exemption	D	6-12
170	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	D, O	6-12
170	Charging an additional fee for the carrying of an assistance dog in a private hire vehicle	D, O	6-12

Transport Act 1980			
Section	**Offence**		**Points**
64(2)(a)	Driving a Private Hire vehicle with a roof sign which contravenes section 64(1)	D	6
64(2)(b)	Causing or permitting a Private Hire vehicle to be driven with a roof sign which contravenes section 64(1)	D, V, O	4

Hackney Carriage and Private Hire Licensing Policy			
Section or appendix*	**Breach of policy requirement**		**Points**
3.9, G5, C20, I5	Failure to notify the Council of an arrest, caution, or conviction	D	6-12
3.15	Failure to adhere to the Dress Code for Licensed Drivers	D	2
C8, E12, I4	Failure to wear a driver's badge	D	4
E9, I	Failure to ensure the safety of passengers	D	6
2.7, E2, F10	Concealing or defacing a vehicle Licence Plate	D, V	4
C7, I10, G3	Failure to attend on time for a pre-arranged booking without reasonable cause	D, O	3
C12, F12	Conveying a greater number of passengers than permitted	D	6
E13, I2	Failure to give reasonable assistance with passenger's luggage	D	3
C2, E3, G2	Operating a vehicle that is not clean and tidy	D, O	2
I4	Driving without the consent of the proprietor	D	6

I2	Drinking or eating in the vehicle whilst carrying passengers	D	3
C26, G11, I4	Smoking (smoking includes vaping, or the use of any other apparatus capable of producing smoke) in a licensed vehicle at any time	D	6-12
G3	Cause excessive noise from any radio or sound-reproducing equipment	D	2
I3	Operating the horn as a means of signalling that a vehicle has arrived	D	4
A20, I9	Using a non-hands-free mobile telephone whilst driving	D	12
C19	Failure to advise of a relevant medical condition	D	6-12
1.9, C5	Failure to provide a receipt for a fare when requested	D	2
1.9, A21, E5, E14, G9, I	Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire	D, O	12
4.7, C21, F23, F24, G15, I5	Failure to notify the Council of any amendment to the details of a licence within seven days	D, V, O	3
G13, I5	Failure to notify within seven days of starting or terminating Employment.	O	3
3.9	Failure of a licence holder to disclose convictions within 48 hours of conviction	D, V, O	6-12
C17, E17, I6	Failure to take found property to the Police or Council within 48 hours	D	4
F18, G19, I8	Failure to comply with the requirements for the safe carrying of a wheelchair	D, O	6
Various	Operating, or driving of a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein	D, O	1-12
A12, F17	Failure to carry an approved first aid kit	D, V, O	3
A16	Modifying a vehicle without the consent of the Council	V	6
A18	Affixing or displaying a roof sign on a private hire vehicle	V, O	6
A19, F11, G20	Displaying a sign or advertisement on a licensed vehicle contrary to the Policy requirements or has not been approved by the Council	V, O	4
A22, F19	Trailer does not comply with the Council's requirements	V, O	3-6
A26, C16, F16, G12	Driving with no insurance or inadequate insurance for the vehicle	D	12
A33	Permitting the vehicle to be used for any illegal or immoral purposes	D, V, O	6-12
G3	Failure of a private hire operator to provide a prompt, efficient and reliable service	O	3
G3	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times	O	3

G12	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	O	6-12
G12	Failure of a private hire operator to keep and display public liability insurance for the operating premises if the public are allowed access	O	6-12
G13	Failure of a private hire operator to ensure that every driver employed by him has a private hire licence and badge	O	6-12
G16	Failure of a private hire operator to keep a copy of the Council's Hackney Carriage and Private Hire Licensing Policy to be made available for inspection by passengers upon request	O	3
Various	Any other contravention of the Policy not covered above	D, V, O	1-12

***Indicative references only. Breach provisions may appear in additional sections or appendixes.**

APPENDIX Q - LIST OF OFFENCES

Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976
In relation to the maximum penalties specified, the levels of fine are currently as follows:

Level 1 - £200	Level 2 - £500	Level 3 - £1,000	Level 4 - £2,500

A) Town Police Clauses Act 1847

HACKNEYS		
Section	**Offence**	**Maximum Penalty**
40	**Giving false information on application for HC Licence**	**Level 1**
44	**Failure to notify change of address of HC proprietor**	**Level 1**
45	**Plying for hire without HC Proprietors licence**	**Level 4**
47	**Driving a HC without a HC drivers licence**	**Level 3**
47	**Lending or parting with HC driver's licence**	**Level 3**
47	**HC proprietor employing unlicensed driver**	**Level 3**
48	**Failure by HC proprietor to hold HC driver's licence**	**Level 1**
48	**Failure by HC proprietor to produce HC driver's licence**	**Level 1**
52	**Failure to display HC plate**	**Level 1**
53	**Refusal to take a fare**	**Level 2**
54	**Charging more than the agreed fare**	**Level 1**
55	**Obtaining more than the legal fare**	**Level 3 and 1 month imprisonment whilst in default**
56	**Travelling less than the lawful distance for an agreed fare**	**Level 1**
57	**Failing to wait after a deposit to wait has been paid**	**Level 1**
58	**Charging more than the legal fare**	**Level 3**
59	**Carrying other person than the hirer without consent.**	**Level 1**
60	**Driving HC without Proprietors consent**	**Level 1**
60	**Allowing another to drive HC without proprietors consent.**	**Level 1**
61	**Drunken driving of HC**	**Level 1**
61	**Wanton or furious driving leading to injury or danger**	**Level 1**
62	**Driver leaving HC unattended.**	**Level 1**
64	**HC driver obstructing other HC's.**	**Level 1**

B) Local Government (Miscellaneous Provisions) Act 1976

HACKNEYS		
Section	**Offence**	**Maximum Penalty**
49	**Failure to notify the transfer of a HC proprietors licence**	**Level 3 (by virtue of s76)**
50(1)	**Failure to present a HC for inspection, as required**	**Level 3 (by virtue of s76)**
50(2)	**Failure to inform the Authority where the HC is stored, if requested.**	**Level 3 (by virtue of s76)**
50(3)	**Failure to report an accident to the Authority**	**Level 3 (by virtue of s76)**

50(4)	Failure to produce the HC Proprietors licence and insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce the HC drivers licence	Level 3 (by virtue of s76)
53A(9)	Failure to return driver's licence and badge after ceasing to be in force for immigration reasons	Level 3 and a daily penalty of £10 for each day of non-compliance after conviction
57	Making a false statement or withholding information to obtain a HC drivers licence	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	Level 3 + fine of £10 per day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 2
64	Permitting any vehicle other than a HC to wait on a HC stand.	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an Officer or Constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised officer or constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	Level 3 (by virtue of s76)
73(2)	Making a false statement when providing information	Level 3 (by virtue of s76

PRIVATE HIRE		
Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed PH Vehicle	Level 3 (by virtue of s76)
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3 (by virtue of s76)
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	Level 3 (by virtue of s76)
46(1)(d)	Operating a PH vehicle without a PH operator's licence.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the driver is not licensed as a PH driver.	Level 3 (by virtue of s76)
48(6)	Failure to display a PH vehicle plate.	Level 3 (by virtue of s76)
49	Failure to notify transfer of a PH vehicle licence.	Level 3

50(1)	Failure to present a PH vehicle for inspection, as required	Level 3 (by virtue of s76)
50(2)	Failure to inform the Authority where the PH vehicle is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Authority	Level 3 (by virtue of s76)
50(4)	Failure to produce the PH vehicle licence and an insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce a PH drivers licence	Level 3 (by virtue of s76)
53A(9)	Failure to return driver's licence and badge after ceasing to be in force for immigration reasons	Level 3 and a daily penalty of £10 for each day of non-compliance after conviction
54(2)	Failure to wear a PH driver's badge.	Level 3 (by virtue of s76)
55ZA(8)	Failure to return operator's licence after ceasing to be in force for immigration reasons	Level 3 and a daily penalty of £10 for each day of non-compliance after conviction
55B	Subcontracting to a PH Operator knowing that the subcontractor will use an unlicensed vehicle or driver	Level 3 (by virtue of s76)
56(2)	Failure by a PH operator to keep records of bookings.	Level 3 (by virtue of s76)
56(3)	Failure by a PH operator to keep records of PH vehicles operated by him.	Level 3 (by virtue of s76)
56(4)	Failure to produce a PH operator's licence on request.	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a PH driver or operator licence.	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	Level 3 + fine of £10/day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an Officer or Constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised officer or constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	Level 3 (by virtue of s76)
73(2)	Making a false statement when providing information	Level 3 (by virtue of s76

C) Transport Act 1980

Section	Offence	Maximum Penalty
64(2)(a)	Driving a PH vehicle with a roof sign, which contravenes s64 (1).	Level 3
64(2)(a)	Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s64 (1).	Level 3

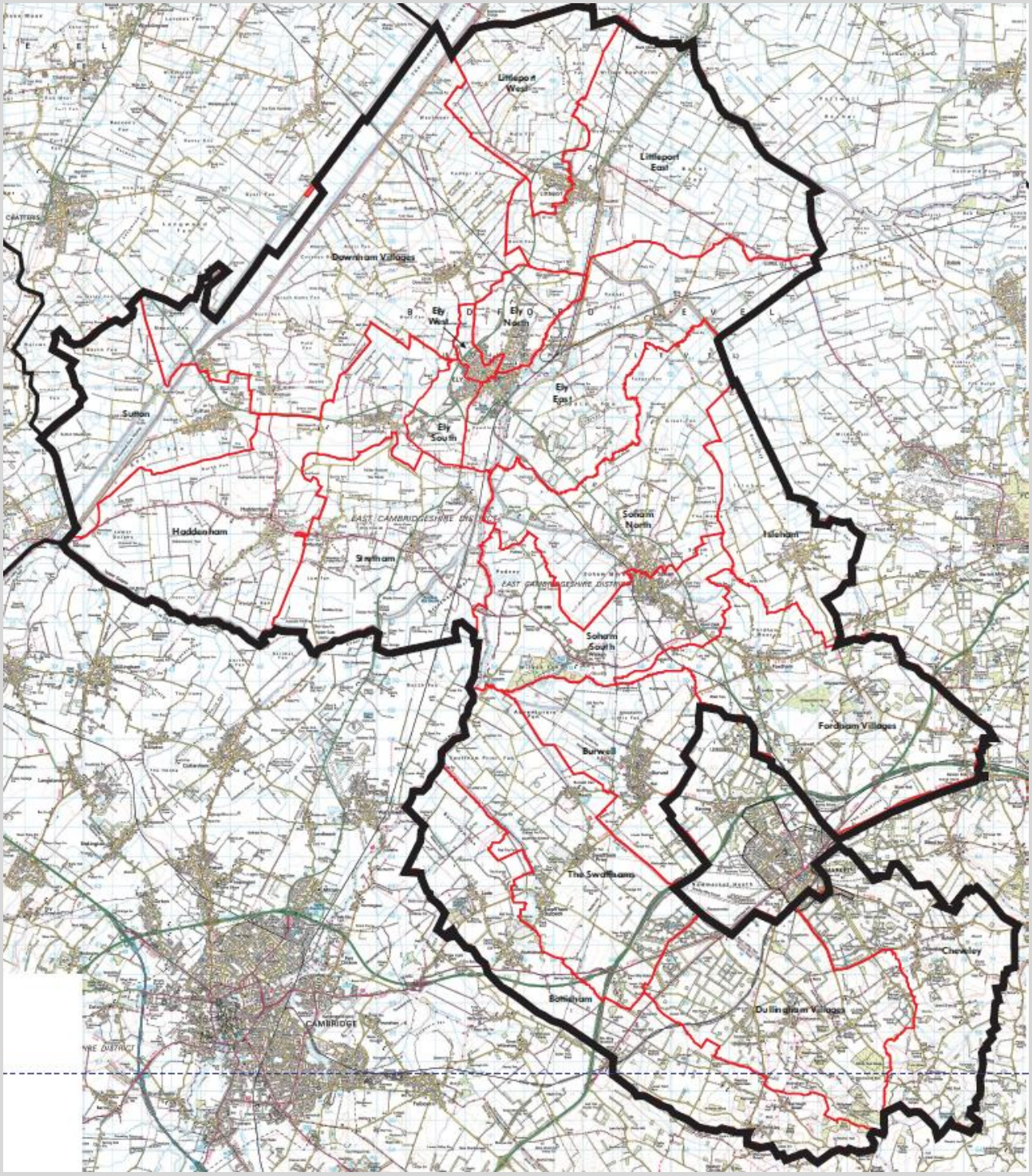
D) Equality Act 2010

Section	Offence	Maximum Penalty
165	Refusal to carry a wheelchair passenger, or charging extra for doing so, or failing to provide reasonable mobility assistance in a designated vehicle maintained in accordance with section 167 of the Equality Act 2010	Level 3
168	Refusal to carry an assistance dog or charging extra for doing so in a hackney carriage	Level 3
170	Refusal to carry an assistance dog or charging extra for doing so in a private hire vehicle	Level 3

APPENDIX R - APPROVED VEHICLE COMPLIANCE GARAGES

Garage	Initial test fee and cancellations	Re-test
B & T Motors Unit 22 The Dock Ely Tel: 01353 667788	Contact garage	MOT failure items – retested and charged in line with MOT requirements. Council failure items – free retest within 10 working days
Cambridge City Council Depot Dickerson Industrial Estate Ely Road Waterbeach Tel: 01223 458266		
Crown Garage Ltd 1-5 High Street Soham Tel: 01353 720779		
Ely Auto Care Unit 3 Newman Park Sedgeway Witchford Tel: 01353 668917		
Ely Tyre Services Unit 8 Angel Drove Ely Tel: 01353 669990		
Glovers Chettisham Garage Lynn Road Ely Tel: 01353 664234		
Mereside Motors Unit 4c, 127 Mereside Soham Tel: 01353 723419		
Penguin Motors Ltd Unit 16B Lancaster Way Business Park Ely Tel: 01353 669345		
Winthorpe Ltd Unit 9, Chettisham Business Park Ely Tel: 01353 968042		

APPENDIX S - DISTRICT MAP



APPENDIX T – Log of approved minor amendments

13/03/2024 – Note added to clarify emissions rules
13/03/2024 – References to Legal Services Manager changed to Director (Legal Services)
12/02/2025 – References to Environmental Services Manager changed to Licensing Manager
New 'restricted private hire driver and vehicle' licence references added
All references to notifying of change of details changed to seven days across all licence types
02/10/2026 – Section 4.7 amended to provide better clarification of how officers will control impact on residential areas.