

NORTH HERTFORDSHIRE
DISTRICT COUNCIL



Hackney Carriage and Private Hire Licensing Policy

Effective from: 2nd April 2018

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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 Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on North Hertfordshire District Council ("the Council") the duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles.

1.2 Policy Objectives

- 1.2.1 Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door to door service in various circumstances, including where public transport may not be available or for those with mobility difficulties.
- 1.2.2 In setting out its policy, the Council seeks to promote the following objectives:
- (i) **Public safety;**
 - (ii) **The protection of the environment;**
 - (iii) **Ensuring an efficient and effective hackney carriage and private hire provision;**
 - (iv) **To provide and maintain a professional and respected hackney carriage and private hire trade by continued monitoring and improvement of standards of service.**
- 1.2.3 The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Council's wish to facilitate professional and responsible businesses, which display sensitivity to the wishes and needs of the general public, whilst maintaining the current high standard of service provision.
- 1.2.4 When considering this Policy, the Council have tried to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

1.3 Departure from the Policy

- 1.3.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out therein.
- 1.3.2 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. **However it is likely that departures from policy will be restricted to exceptional circumstances, not used to circumvent the reasonable requirements of the Policy.**
- 1.3.3 Substantial departure from Policy
Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Head of Housing and Public Protection may authorise a departure from the Policy in accordance with this section if he/she considers it necessary in the specific circumstances and will advise Councillors of such decisions via the Members Information Service (MIS).

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1.3.4 Minor departure from Policy

Where an applicant is able to demonstrate that a minor departure from this Policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Licensing Manager may authorise a licence to be issued.

1.4 Policy Duration

1.4.1 This Policy will take effect from 2 April 2018 and will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance and best practice.

1.4.2 Administrative amendments to this Policy, required by virtue of legislative changes, revised statutory guidance or a Council restructure, may be made by the Licensing Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.

1.4.3 The Policy will be periodically reviewed to ensure it remains fit-for-purpose and either amended where necessary or approved for continuation by the Executive Member for Housing and Environmental Health.

1.4.4 In the event of any significant amendment to the Policy, a full public consultation will be undertaken prior to consideration by the Licensing and Appeals Committee who will make a recommendation for consideration by Cabinet.

For the purpose of this section, a significant amendment is defined as one that:

- (i) will have significant financial impact on applicants, licence holders or the public,
- (ii) will have a significant procedural impact on applicants, licence holders or the public, or
- (iii) may not be perceived by the trade or the public to be consistent with the policy objectives set out in section 1.2 above.

PART 2 - VEHICLES

2.1 Limitation of Numbers

2.2.1 The Council currently has no limit on the number of hackney carriages which may be licensed within the District and has no intention of introducing one unless evidence of 'no significant unmet demand' can be provided. The cost of any 'unmet demand' survey would need to be borne by the existing licence holders.

2.2.2 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

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 or private hire vehicles and The Best Practice Guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible.

2.2.2 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

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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.

- 2.2.3 Part 2 of this Policy sets out the Council's minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications. This specification will need to be met prior to licensing and maintained throughout the duration of the licence. This will be achieved by attaching the following licence condition to all hackney carriage and private hire vehicle licences:

"This licence is granted subject to compliance with the Council's Hackney Carriage and Private Hire Licensing Policy vehicle specification requirements (Part 2 of the Policy) throughout the duration of the licence period."

2.3 Accessibility

- 2.3.1 The Council is committed to social inclusion and ensuring a wide variety of opportunities is 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."

- 2.3.2 It is arguable that different accessibility considerations should apply between hackney carriages and private hire vehicles in that hackney carriages can be hired in the street or at a rank, by the customer dealing directly with a driver whereas private hire vehicles can only be booked through an operator.
- 2.3.3 The Council considers it particularly important that a person with a disability should be able to hire a suitable accessible vehicle with the minimum delay or inconvenience. Having an acceptable proportion of accessible hackney carriages and private hire vehicles available helps ensure that this is possible; therefore the Council will actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010 and any subsequent equalities legislation.
- 2.3.4 Section 167 of the Equality Act 2010 allows the Council to designate accessible vehicles as subject to the requirements of the Act making it a criminal offence to refuse a passenger with a wheelchair or charge an additional fare. In support of the Council's desire to provide accessible transport for those with disabilities, all wheelchair accessible hackney carriages and private hire vehicles will be designated for this purpose.
- 2.3.5 Drivers who, for medical reasons, are unable to accept wheelchair passengers or assistance dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of appropriate medical evidence. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times whilst licensed as a hackney carriage or private hire vehicle. 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 or a passenger with a wheelchair, 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 or wheelchair.

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2.4 Environmental Considerations

- 2.4.1 The Council have given careful consideration to the recommendation in the Guidance that, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles and considers its responsibility in protecting the environment to be a predominate factor within licensing policy.
- 2.4.2 That said, the Council believes that its requirement for all new vehicles to be less than five (5) years old when first licensed, therefore meeting Euro 5 emission standards, coupled with its six-monthly testing requirements for all vehicles over seven (7) years old is sufficient not to require tougher emission standards for licensed vehicles.
- 2.4.3 Clearly emissions from hackney carriages and private hire vehicles could be further reduced through education and raised awareness of environmental issues. Simple measures such as:
- (i) better and more frequent vehicle maintenance and servicing; or
 - (ii) switching off engines when stationary or idling, particularly at hackney carriage ranks, can make a significant environmental impact considering the number of licensed vehicles. The Hackney Carriage and Private Hire Consultative Forum have an important role to play in raising awareness of environmental issues.

OPTION 1

- 2.4.4 The Council encourages the use of electric vehicles as hackney carriages or private hire vehicles.

OR

OPTION 2

- 2.4.5 The Council encourages the use of electric vehicles as hackney carriages or private hire vehicles and will offer a subsidised licence fee for electric vehicles from 2 April 2018.

2.5 Maximum Age of Vehicles

- 2.5.1 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. The limits set by the Council are considered necessary and proportionate to promote public safety and the other objectives of this Policy however it is accepted that a greater frequency of testing may be appropriate for older vehicles.

OPTION 1

All vehicles

- 2.5.2 When first licensed by the Council, all vehicles must be less than five (5) years old from the date of first registration.

Hackney carriages

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- 2.5.3 Hackney carriages may be licensed to a maximum of ten (10) years old from the date of first registration, subject to it complying with the Council's testing requirements (see section 2.6).
- 2.5.4 A licensed hackney carriage may be transferred to a private hire vehicle at any time provided it complies with the Council's vehicle testing requirements (see section 2.6).
- Private hire vehicles
- 2.5.5 Private hire vehicles may be licensed until such time that the vehicle cannot comply with the Council's testing requirements (see section 2.6).

OR

OPTION 2

- 2.5.2 When first licensed by the Council, all vehicles must be less than five (5) years old from the date of first registration.
- 2.5.3 Hackney carriages and private hire vehicles may be licensed until such time that the vehicle cannot comply with the Council's testing requirements (see section 2.6).
- 2.5.4 A licensed hackney carriage may be transferred to a private hire vehicle, or vice versa, at any time provided it complies with the Council's vehicle testing requirements (see section 2.6).

2.6 Vehicle Testing

- 2.6.1 In order to comply with the Council's vehicle testing requirements a vehicle must obtain a current MOT pass certificate and a current Certificate of Compliance pass certificate from the Council's nominated testing facility, both of which must be dated no earlier than two calendar (2) months prior to the licence commencement date.
- 2.6.2 Vehicles that are less than one (1) year old will be exempt from producing a current MOT pass certificate but will be required to obtain a Certificate of Compliance pass certificate.
- 2.6.3 All vehicles will be subject to annual testing requirements until they reach seven (7) years old. Each application for a grant or renewal of a vehicle licence must be accompanied with proof of testing requirement (section 2.6.1) compliance.
- 2.6.4 Once a vehicle reaches seven (7) years old it will be subject to six-monthly testing requirements. Each application for a grant or renewal of a vehicle licence must be accompanied with proof of testing requirement (section 2.6.1) compliance.
- 2.6.5 For the avoidance of doubt, any vehicle renewal application that would take the licence beyond the age of seven (7) years and six (6) months from date of first registration will only be renewed for the period up to and including seven (7) years and six (6) months from date of first registration. This will facilitate the vehicle being tested at six-monthly intervals as required by section 2.6.4 above.

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- 2.6.6 The licence of any vehicle which fails its testing requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificates obtained. The Council, or its nominated testing facility, may retain the vehicle licence plate until such time as the inspection requirements are met.
- 2.6.7 MOT advisories
With public safety being a significant objective of this Policy, the Council expects licensed vehicles to be of the highest possible standard. Accordingly, any MOT advisory relating to tyres or brakes must be rectified before a licence is granted. The Council also reserve the right to extend this requirement to other MOT advisories where they deem it necessary for the protection of the public.
- 2.6.8 With the safety of the public being a predominate factor of this Policy, all vehicles involved in an accident, however minor, will be required to obtain the Council's nominated testing facility's approval to continue operating. Upon inspection following an accident, any vehicle that would fail to meet the vehicle testing requirements (section 2.6.1) will be automatically suspended until such time as the vehicle has been re-examined and the necessary approval given.
- 2.6.9 In the case of only cosmetic damage, a timescale for repair will be set by the Council at the end of which the vehicle must be presented to the Council's nominated inspection facility. If the vehicle would not pass a Certificate of Compliance examination, that vehicle cannot continue to operate as a hackney carriage or private hire vehicle until such time as the vehicle would meet the testing requirements.
- 2.6.10 In addition to the above testing requirements, the Council will undertake its own program of inspections between formal testing dates. These tests will be undertaken at any other location within the District as advised by a Council Officer and will ensure that vehicles maintain the high standard of testing throughout its licence period. In the event of any concern in relation to mechanical vehicle safety, the vehicle will be referred to the Council's nominated testing facility for a formal assessment. Where the testing requirements (section 2.6.1) would not be met, the Officer may either agree a period of time for rectification and re-inspection, or suspend the vehicle until such time as the testing requirements (section 2.6.1.) would be met.

OPTION 1

2.6.11 The Council's nominated testing facility is:

- (i) MOT
Any testing facility currently registered with the Department for Transport to undertake MOT testing.
- (ii) Certificate of Compliance
Undertaken by Council Officers in Letchworth Garden City

OR

OPTION 2

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2.6.11 The Council's nominated testing facility is:

- (i) MOT
Any testing facility currently registered with the Department for Transport to undertake MOT testing.
- (ii) Certificate of Compliance
Any testing facility currently registered with the Department for Transport to undertake MOT testing.

OR

OPTION 3

2.6.11 The Council's nominated testing facility is:

- (i) MOT
Any testing facility currently registered with the Department for Transport to undertake MOT testing.
- (ii) Certificate of Compliance
Any testing facility nominated by the Council for the purposes of undertaking Certificate of Compliance testing (a minimum of one in each of the four main towns)

OR

OPTION 4

2.6.11 The Council's nominated testing facility is:

- (i) MOT
Any testing facility currently registered with the Department for Transport to undertake MOT testing and nominated by the Council for the purposes of undertaking MOT testing (a minimum of one in each of the four main towns).
- (ii) Certificate of Compliance
Any testing facility nominated by the Council for the purposes of undertaking Certificate of Compliance testing (a minimum of one in each of the four main towns)

2.7 Vehicle Type

2.7.1 Left-hand drive vehicles will not be considered suitable for licensing, save for stretched limousines which will be subject to the specification requirements detailed in **Appendix E**. This is to ensure that passengers travelling in the front passenger seat are able to exit the vehicle directly onto the footway rather than directly into the carriageway.

OPTION 1

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2.7.2 New hackney carriages

All vehicles for new hackney carriage licence applications must be either:

- (i) a 'London' type hackney carriage, or
- (ii) a suitable wheelchair accessible vehicle, approved by the Council.

2.7.3 New private hire vehicles

All vehicles for new private hire licence applications must be either:

- (i) a saloon, estate, MPV or hatchback vehicle with a least four (4) side doors, or
- (ii) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

OR

OPTION 2

2.7.2 New hackney carriages

All vehicles for new hackney carriage licence applications must be either:

- (i) a 'London' type hackney carriage, or
- (ii) a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 10% of the total number of licensed hackney carriages meet this criteria, at which time this restriction will no longer apply. This restriction will apply at any time when this criteria is not met.

2.7.3 New private hire vehicles

All vehicles for new private hire licence applications must be either:

- (i) a saloon, estate, MPV or hatchback vehicle with a least four (4) side doors, or
- (ii) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

OR

OPTION 3

2.7.2 New hackney carriages

All vehicles for new hackney carriage licence applications must be either:

- (i) a 'London' type hackney carriage, or
- (ii) a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 10% of the total number of licensed hackney carriages meet this criteria, at which time this restriction will no longer apply. This restriction will apply at any time when this criteria is not met.

2.7.3 New private hire vehicles

All vehicles for new private hire licence applications must be a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 10% of the total number of licensed private hire vehicles meet this criteria, at which time this restriction will no longer apply. This restriction will apply at any time when this criteria is not met.

When this restriction does not apply, all vehicles for new private hire licence applications must be either:

- (i) a saloon, estate, MPV or hatchback vehicle with a least four (4) side doors, or

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- (ii) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

OR

OPTION 4

2.7.2 New hackney carriages

All vehicles for new hackney carriage licence applications must be either:

- (i) a 'London' type hackney carriage, or
- (ii) a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 10% of the total number of licensed hackney carriages meet this criteria, at which time this restriction will no longer apply. This restriction will apply at any time when this criteria is not met. Any electric vehicle will be exempt from meeting this criteria.

2.7.3 New private hire vehicles

All vehicles for new private hire licence applications must be either:

- (i) a saloon, estate, MPV or hatchback vehicle with a least four (4) side doors, or
- (ii) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

OR

OPTION 5

2.7.2 New hackney carriages

All vehicles for new hackney carriage licence applications must be either:

- (i) a 'London' type hackney carriage, or
- (ii) a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 10% of the total number of licensed hackney carriages meet this criteria, at which time this restriction will no longer apply. This restriction will apply at any time when this criteria is not met. Any electric vehicle will be exempt from meeting these criteria.

2.7.3 New private hire vehicles

All vehicles for new private hire licence applications must be a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 10% of the total number of licensed private hire vehicles meet this criteria, at which time this restriction will no longer apply. This restriction will apply at any time when this criteria is not met. Any electric vehicle will be exempt from meeting this criteria.

When this restriction does not apply, all vehicles for new private hire licence applications must be either:

- (i) a saloon, estate, MPV or hatchback vehicle with a least four (4) side doors, or
- (ii) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

OR

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OPTION 6

2.7.2 New hackney carriages

All vehicles for new hackney carriage licence applications must be either:

- (i) a saloon, estate, MPV, hatchback or wheelchair accessible vehicle with a least four (4) side doors, or
- (ii) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

2.7.3 New private hire vehicles

All vehicles for new private hire licence applications must be either:

- (i) a saloon, estate, MPV, hatchback or wheelchair accessible vehicle with a least four (4) side doors, or
- (ii) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

2.7.4 Renewal applications

Any hackney carriage or private hire vehicle with a valid licence as at 2 April 2018 may be renewed or transferred to a new vehicle without having to meet the new vehicle requirements of sections 2.7.2 or 2.7.3 above. Any hackney carriage or private hire vehicle licensed as a wheelchair accessible vehicle as at 2 April 2018 can only be replaced with a wheelchair accessible vehicle.

2.7.5 Licensed vehicles shall ordinarily have European Community Whole Vehicle Type Approval (see <http://www.dft.gov.uk/vca/vehicletype/index.asp>) and be compliant with the relevant Road Vehicles (Construction and Use) Regulations in effect at the time of application.

2.7.6 In the absence of European Community Whole Vehicle Type Approval, or if a vehicle has been modified in any way since manufacture, vehicles can be considered for licensing that have:

- (i) National Small Series Type Approval (see <http://www.dft.gov.uk/vca/vehicletype/index.asp>), or
- (ii) Individual Vehicle Approval (see <http://www.dft.gov.uk/vca/vehicletype/index.asp>)

However, Individual Type Approval will not be accepted:

- (a) where the seatbelts fitted to the vehicle are not those fitted by the manufacturer and tested in accordance with the vehicle's original type approval, or
- (b) 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 suitable evidence is provided by the applicant(s) that this is not the case.

2.7.7 All hackney carriage and private hire vehicles must:

- (i) be capable of carrying not less than four (4) nor more than eight (8) passengers,
- (ii) have no damage affecting the structural safety of the vehicle,
- (iii) not have been written off for insurance purposes at any time,
- (iv) have sufficient means by which any passenger in the vehicle may communicate directly with the driver,
- (v) be maintained in sound and roadworthy condition at all times,
- (vi) serviced in accordance with manufacturers' recommendations.

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2.8 Signage

Hackney carriages

2.8.1 Hackney carriage vehicles must be fitted with an illuminated external sign mounted on or above the roof of the vehicle or have a built-in illuminated roof sign. The sign may display either:

- (i) the word "TAXI",
- (ii) the name and/or telephone number of the hackney carriage company,
- (iii) the words "FOR HIRE", or
- (iv) any combination of the above.

The roof sign and lettering shall be of an appropriate size to enable it to be clearly identifiable to the public.

2.8.2 The mounted roof sign or built-in roof sign must be switched off when the vehicle has been hired and illuminated when available for hire.

2.8.3 An internal "FOR HIRE" sign may be fitted in licensed hackney carriages but must comply with the requirements of 2.8.2 with respect to illumination.

Private hire vehicles

OPTION 1

2.8.4 A private hire vehicle must not carry a roof sign of any description, mounted or built-in, or any markings that may give the impression that it is a hackney carriage.

OR

OPTION 2

2.8.4 A private hire vehicle must not carry a roof sign of any description, mounted or built-in, or any markings that may give the impression that it is a hackney carriage.

2.8.5 A private hire vehicle must display Council-approved signage on both front doors of the vehicle stating that the vehicle is only able to undertake pre-booked journeys.

OR

OPTION 3

2.8.4 A private hire vehicle may be fitted with an illuminated external sign mounted on or above the roof of the vehicle or have a built-in illuminated roof sign. The sign may display the name and/or telephone number of the private hire operator and must contain wording to explain that the vehicle is only available for pre-booked journeys. The roof sign and lettering shall be of an appropriate size to enable it to be clearly identifiable to the public.

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- 2.8.5 A private hire vehicle must display Council-approved signage on both front doors of the vehicle stating that the vehicle is only able to undertake pre-booked journeys.

2.9 Livery

OPTION 1

- 2.9.1 The Council believes that the requirements of this policy ensure that hackney carriages and private hire vehicles are easily distinguishable and that there is no current requirement for specific vehicle livery
- 2.9.2 However, the Council will keep the issue of livery under review and if it believes that livery would be of benefit to the public, either in terms of specific vehicle colours and/or a Council logo, then a public consultation will be undertaken prior to any livery being introduced.

OR

OPTION 2

- 2.9.1 The Council believes that the public are not readily able to distinguish between hackney carriages and private hire vehicles which risks private hire vehicles undertaking journeys that are not pre-booked and, therefore, uninsured.
- 2.9.2 Hackney carriages
All new or replacement hackney carriages must be black or white in external colour.
- 2.9.3 Private hire vehicles
All new or replacement private hire vehicles may be any external colour other than black or white.
- 2.9.4 Any hackney carriage or private hire vehicle with a valid licence as at 2 April 2018 will be exempt from these livery requirements whilst the current vehicle remains licensed. Any replacement vehicle must comply with these livery requirements.

OR

OPTION 3

- 2.9.1 The Council believes that the public are not readily able to distinguish between hackney carriages and private hire vehicles which risks private hire vehicles undertaking journeys that are not pre-booked and, therefore, uninsured.
- 2.9.2 Hackney carriages
All new or replacement hackney carriages must be black or white in external colour and have the Council logo on both front doors.

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2.9.3 Private hire vehicles

All new or replacement private hire vehicles may be any external colour other than black or white.

2.9.4 Any hackney carriage or private hire vehicle with a valid licence as at 2 April 2018 will be exempt from these livery requirements whilst the current vehicle remains licensed. Any replacement vehicle must comply with these livery requirements.

OR

OPTION 4

2.9.1 The Council believes that the public are not readily able to distinguish between hackney carriages and private hire vehicles which risks private hire vehicles undertaking journeys that are not pre-booked and, therefore, uninsured.

2.9.2 Hackney carriages

All new or replacement hackney carriages must be black or white in external colour and have the Council logo on both front doors.

2.9.3 Private hire vehicles

All new or replacement private hire vehicles may be any external colour other than black or white and have the Council logo on both front doors.

2.9.4 Any hackney carriage or private hire vehicle with a valid licence as at 2 April 2018 will be exempt from these livery requirements whilst the current vehicle remains licensed. Any replacement vehicle must comply with these livery requirements.

2.10 Licence plates

2.10.1 At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, unless an exemption has been granted under subsection 2.10.5, the vehicle must display the licence plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle.

2.10.2 At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, the vehicle must display the internal vehicle licence plate provided by the Council, securely fixed in a prominent position to the front windscreen.

2.10.3 The licence plates must be clearly identifiable and legible to the public at all times.

2.10.4 Exemption to the requirements of subsection 2.10.1 may be given to private hire vehicles used for executive hire, corporate contracts, school contracts or work of a similar nature. In order to qualify for exemption:

- (i) a written letter of exemption issued by the Council must be carried in the vehicle at all times,
- (ii) the licence plate must be carried in the vehicle at all times,
- (iii) a 'tax disc' style exemption disc issued by the Council must be displayed on the front windscreen of the vehicle, and
- (iv) the vehicle must be undertaking the nature of work for which the exemption was granted.

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If any of these four criteria are not met, subsection 2.10.1 will apply.

For the avoidance of doubt, vehicles that are used for a combination of 'exempt' work and normal private hire work will be required to display external licence plates at all times when the exemption does not apply.

2.11 Advertising

- 2.11.1 No more than five (5) external advertisements shall be permitted on hackney carriages or private hire vehicles. External advertisements shall be confined to the door panels or the rear of the vehicle.
- 2.11.2 Any advertisement on the front door panels or rear of the vehicle must be restricted to the name, logo or insignia, telephone number, or other contact details of the owner or operator of the vehicle. No other advertisement is permitted on the front door panels or rear of the vehicle.
- 2.11.3 Advertising of other businesses, products or services is only permitted on the rear door panels of the vehicle.
- 2.11.4 No advertisement shall obliterate, obscure or be confused with the vehicle's Licence Plate.
- 2.11.5 Internal advertisements are permitted on the windscreen or rear window but must be:
 - (i) no more than ten (10) centimetres in height,
 - (ii) positioned so that they do not obstruct the driver's view in any way, and
 - (iii) be restricted to the name, logo or insignia, telephone number, or other contact details of the owner or operator of the vehicle.
- 2.11.6 For the purpose of this section, the display of 'no smoking' signage as required by legislation or signage 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.
- 2.11.7 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community.
- 2.11.8 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.
- 2.11.9 Any advertising or signage on a private hire vehicle must not include the words "taxi", "cab", "hackney carriage" or "for hire". In the case of the word "taxi" being part of the company name, for example "XYZ Taxis", the company name may be displayed on the vehicle provided there is also reference to the fact that the vehicle is a private hire vehicle and must be pre-booked.
(This subsection may be unnecessary if Option 2 or Option 3 is selected for section 2.8)

2.12 Seating in Multi-Passenger Vehicles

- 2.12.1 The Council will licence vehicles for seating arrangements of up to eight (8) passengers where all licensing requirements are satisfied.

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- 2.12.2 All vehicles licensed to carry in excess of four (4) passengers will only be licensed in accordance with the seating layouts detailed in **Appendix G**, unless the Original Manufacturer's Specification provides an alternative arrangement. Any seating arrangements not illustrated in **Appendix G** will be considered by the Council in relation to safety requirements however it should not be assumed that permission will automatically be granted.

2.13 Doors

- 2.13.1 All licensed hackney carriages or private hire vehicles must have at least three side-opening passenger doors, which must be easily opened from the inside and the outside.
- 2.13.2 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.

2.14 Tyres

- 2.14.1 The licensed vehicle must be fitted with either all radial or all cross-ply tyres, including the spare wheel. All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.
- 2.14.2 Run-flat tyres and 'space-saver' tyres are acceptable on licensed vehicles provided they conform to the Original Manufacturers' Specification.
- 2.14.3 If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.
- 2.14.4 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.

2.15 Drivers' Vehicle Mirrors

- 2.15.1 External rear view mirrors must be fitted to both sides of all licensed vehicles.
- 2.15.2 All licensed vehicles must have an internal rear view mirror appropriately fitted in accordance with appropriate legislation and/or manufacturers' specification.

2.16 Passenger Comfort

- 2.16.1 There must be sufficient space between:
- (i) the seat cushions and the lowest part of the roof, and
 - (ii) the front and back seats
- to safely accommodate the driver and passengers in reasonable comfort.

2.17 Seats

Appendix A: Policy used for consultation

- 2.17.1 Access to every passenger seat must be unobstructed and be easily accessible to passengers without the need for seats to be folded or removed and without the need for more than one (1) passenger to move.
- 2.17.2 **Passenger seats must allow a reasonable width per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle.**
- 2.17.3 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 (1) passenger only.
- 2.18 Seat Belts**
- 2.18.1 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.
- 2.18.2 In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.
- 2.19 Fire Extinguishers (Note: First Aid Kit requirement removed)**
- 2.19.1 An appliance for extinguishing fires must be carried in all licensed vehicles. Such an appliance must be suitable for vehicle fires (fire class B and C) and conform to BSEN 3, showing the appropriate kite-mark.
- 2.19.2 The appliance must be securely fixed in a position readily accessible to the driver. It is acceptable for the appliance to be carried inside the vehicle's luggage compartment however, it is preferable that the appliance is carried in the passenger compartment and visible to the passengers.
- 2.19.3 The date of expiry must be clearly visible on the extinguisher and the extinguisher must be marked with the vehicle registration number or licence plate number.
- 2.20 Ventilation**
- 2.20.1 Windows must be provided to all passenger compartments along with adequate means of opening and closing, not less than one (1) window on either side of the vehicle, in both the front and rear passenger compartments.
- 2.20.2 Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available, in which case the air conditioning must be operated by the driver upon request.
- 2.21 Luggage**
- 2.21.1 Adequate storage for passenger luggage must be available and all luggage carried must be suitably secured in place without obstructing any emergency exits.
- 2.21.2 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 to prevent luggage from entering the rear passenger compartments.

Appendix A: Policy used for consultation

2.22 Maintenance and Condition of the Vehicle

- 2.22.1 The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:
- (i) be free of large and/or sharp-edged dents,
 - (ii) be free of visible rust,
 - (iii) be free of unrepaired accident damage,
 - (iv) have uniform paintwork equivalent to that applied by the manufacturer, and
 - (v) be maintained in an acceptable state of cleanliness.
- 2.22.2 The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:
- (i) be free of all stains to the upholstery,
 - (ii) be free of all splits and tears to the seats,
 - (iii) be maintained in an acceptable state of cleanliness, and
 - (iv) provide seats functioning in accordance with the Original Manufacturers' Specification.
- 2.22.3 For the avoidance of doubt, any vehicle that would not pass a Certificate of Compliance inspection or an MOT must not be used until such time as the requirements of the Certificate of Compliance and MOT testing can be met.

2.23 Modifications

- 2.23.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without compliance with road traffic legislation, section 2.7 of this Policy, insurance requirements, and written approval for the change(s) from the Council.

2.25 Communications Devices

- 2.25.1 All two-way radio equipment must be of a type currently approved by, and must be fitted securely in accordance with guidelines published by, the Radio Communications Agency.
- 2.25.2 The use of radio scanning devices is prohibited and such devices must not be fitted or carried in the vehicle.

2.26 Meters

Hackney carriages

OPTION 1

- 2.26.1 An approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure. All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.

OR

OPTION 2

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- 2.26.1 An approved **calendar** taximeter must be fitted in all hackney carriages and:
- (i) must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure,
 - (ii) must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation,
 - (iii) must not be capable of being manually overridden to ensure that the correct tariff is charged based on the actual date and time of the journey, and
 - (iv) must be set at the correct date and time at all times throughout the period of the vehicle licence.

OR

OPTION 3

- 2.26.1 An approved **calendar** taximeter must be fitted in all hackney carriages and:
- (i) must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure,
 - (ii) must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation,
 - (iii) must not be capable of being manually overridden to ensure that the correct tariff is charged based on the actual date and time of the journey, and
 - (iv) must be set at the correct date and time at all times throughout the period of the vehicle licence.
- The taximeter must be connected to a receipt printer which can print details of the journey including date, journey times, distance and fare charged. A printed receipt must be given at the conclusion of every journey including details of the driver and licence plate number of the vehicle used.
- 2.26.2 The taximeter shall be positioned so that the display on the face of the meter may clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.
- 2.26.3 When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.
- 2.26.4 An official copy of the Council's fare tariff shall be clearly displayed and legible in the vehicle so as to be plainly visible to passengers carried therein.
- 2.26.5 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of hackney carriages. For the avoidance of doubt, the taximeter should not be started until the passenger is in the vehicle ready to commence the journey.
- 2.26.6 In the event of such a journey commencing in but ending outside the District, there may be charged for the journey such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of hackney carriages.

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- 2.26.7 On occasions, a journey will commence during one tariff period and end within another tariff period. For the avoidance of doubt, the tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.

Private Hire

- 2.26.8 Private hire vehicles are not required to be fitted with a taximeter however where a taximeter or other device for recording fares is fitted, it must be of a type approved by the Council.
- 2.26.9 Private hire operators 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. If the operator intends to use the taximeter to calculate the fare, they must seek agreement from the passenger(s) at the time of accepting the booking, including the agreed point at which the meter would be engaged.

2.27 Trailers

- 2.27.1 Trailers may only be used with the prior approval of the Council and then subject to the following requirements:
- (i) the driver's DVLA driving licence must cover the categories that allow the towing of trailers,
 - (ii) the trailer must at all times comply with all requirements of road traffic legislation and the current Road Vehicles (Construction and Use) Regulations,
 - (iii) the vehicle insurance must include cover for towing a trailer,
 - (iv) trailers must not be left unattended anywhere on the highway,
 - (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) trailers must display an identical licence plate to the licensed vehicle,
 - (vii) trailers cannot be used on a hackney carriage rank and should only be used for specific pre-booked journeys, not whilst plying for hire.

2.28 Disability Access

- 2.28.1 In the case of all licensed vehicles which are built or adapted for disabled passengers, the design of the vehicle should ordinarily ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefer vehicles to be loaded from the side it is aware that rear-loading vehicles better suit certain types of motorised wheelchair, therefore each vehicle will be assessed on its own merits.
- 2.28.2 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:
- (i) access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus,
 - (ii) internal wheelchair anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency 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 may move off,
 - (vi) access ramps and/or lifts must be maintained in full working order at all times when the vehicle is available for hire.

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- 2.28.3 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).
- 2.28.4 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to safely load and convey wheelchair bound passengers.

2.29 Vehicles Powered by Liquid Petroleum Gas (LPG)

- 2.29.1 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 the LPG Association Code of Practice.
- 2.29.2 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 a reasonable amount of space shall remain free for the stowage of passenger 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.

2.30 Tinted Windows

- 2.30.1 The front windscreen, front driver's side window and front passenger's side window must ordinarily be clear glass. Exemption from this requirement may be given for original manufacturer's specification 'light tint' glass that does not prevent the identification of the driver and passengers from outside the vehicle.
- 2.30.2 The rear windscreen of any vehicle shall not have been treated so that less than 75% of light is transmitted through it, nor the rear passenger compartment side windows of any vehicle so that less than 70% of light is transmitted through them, unless the following criteria can be met:
- (i) the vehicle is licensed as private hire vehicle only,
 - (ii) the vehicle is a stretched limousine vehicle,
 - (iii) the vehicle will not be engaged at any time for the carriage of school children,
 - (iv) the private hire operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.

This section does not preclude or supersede any requirements provided for in any relevant legislation relating to road traffic vehicles.

2.31 Insurance

- 2.31.1 There shall be a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1972, throughout the duration of the vehicle licence including appropriate cover for hackney carriage or private hire (as applicable).
- 2.31.2 **Certificates of Insurance or cover notes that do not provide appropriate cover for a minimum of the first calendar month of a licence period will not be accepted by the Council. Failure to comply with this requirement will preclude a licence from being issued.**

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2.31.3 Where a cover note is provided as part of a licence application, a full Certificate of Insurance must be provided prior to the expiry of the cover note.

2.31.4 The registered owner of the licensed vehicle shall ensure that it 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. In the absence of appropriate insurance, the licensed vehicle cannot be used for the carrying of passengers.

2.31.5 As case law has established that a vehicle licensed as a hackney carriage or private hire vehicle remains a licensed vehicle at all times until the licence expires or is surrendered, only appropriately licensed hackney carriage or private hire drivers may drive the vehicle. The Council will not, therefore, accept any Certificate of Insurance that includes persons that do not hold a valid hackney carriage or private hire driver licence (as appropriate) for the vehicle.

2.32 Change of Ownership

2.32.1 Any change to the person(s) or company named on a vehicle licence must be notified to the Council within fourteen (14) days of such change.

2.32.2 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.

2.33 Inspection

2.33.1 All hackney carriage and private hire vehicles must be available for inspection, at any location within the District, at all times when requested by an Authorised Officer of the Council or a Police Officer.

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

2.34 Unauthorised Use

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

2.34.2 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, is suspended 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, complying with all requirements of this Policy and being driven by a licensed driver.

2.35 Intended Use

2.35.1 One of the Council's licensing policy objectives is public safety and licensing authorities' enforcement powers are generally restricted to their own districts/boroughs. It therefore follows that it would not ordinarily be in the public interest to grant a licence for a hackney carriage that

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intended to operate predominately or wholly outside of North Hertfordshire. Whilst a North Hertfordshire licensed hackney carriage would not be able to ply for hire or park on ranks in other districts/boroughs, it could operate by means of pre-bookings or by accepting work from a private hire operator.

- 2.35.2 In order to ensure that the Council retains local control over the hackney carriages it licenses, applicants will be asked as part of the application process which town they intend to predominately operate from, without prejudice to their ability to operate anywhere within North Hertfordshire. It will be incumbent on the applicant to demonstrate to the Council's satisfaction that they intend to ply for hire to a material extent within North Hertfordshire.
- 2.35.3 Ordinarily, applicants who do not intend that the hackney carriage will be used to a material extent to ply for hire within North Hertfordshire will not be granted a vehicle licence.
- 2.35.4 In circumstances where the applicant intends to ply for hire to a material extent within North Hertfordshire but intends to undertake significant work outside of the district, the application will be ordinarily refused.
- 2.35.5 This section of the Policy is not intended to be a restraint of trade, indeed applicants may make applications to any local authority in whose district/borough they intend to ply for hire, its intention is to retain local control and protect the public. That said, each application will be determined on its own merits however the Council would only expect licences to be granted for vehicles operating significantly or predominately outside of North Hertfordshire under exceptional circumstances.

2.36 Accident Reporting

- 2.36.1 In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire 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 seventy-two (72) hours of the occurrence thereof.
- 2.36.2 Following an accident or damage to a licensed vehicle, if it is the intention of the owner or operator to continue licensed use, the vehicle must immediately be inspected by the Council's nominated testing facility 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. If the Council's nominated testing facility determines that the vehicle is fit for continued use, the time-scale for cosmetic repairs must be agreed with a Council Licensing Officer.

The Council may suspend the use of a licensed vehicle until it is suitably repaired and conforms to the Council's testing requirements.

- 2.36.3 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 to the Council,
 - (ii) an application is made in the prescribed manner for a temporary vehicle licence,
 - (iii) the replacement vehicle meets the requirements of this Policy and is suitable to be used for hire purposes.

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2.37 Miscellaneous

- 2.37.1 The proprietor of a hackney carriage or private hire vehicle shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose.
- 2.37.2 Nothing in this Policy 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) or any other relevant legislation.

2.38 Security/CCTV

- 2.38.1 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 and CCTV cameras can be a valuable deterrent. That said, mandatory CCTV is not a requirement as the Council considers this a matter best left to the judgement of the owners and drivers themselves. If CCTV is installed in a vehicle, it will be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner.

2.39 Stretched Limousines

- 2.39.1 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.
- 2.39.2 For the purposes of this Policy, a stretch limousine is defined as follows:
"A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that;
(i) is capable of carrying up to but not exceeding 8 passengers;
(ii) save for this Policy could not currently be licensed by the Council as a private hire vehicle;
and
(iii) is not a decommissioned military or emergency service vehicle."
- 2.39.3 Any stretched limousines capable of carrying eight (8) passengers or less which are offered for private hire do require a licence. In accordance with the Best Practice Guidance, all applications to licence stretched limousines as private hire vehicles will be treated on their own merits.
- 2.39.4 Any stretched limousine approved for licensing as a private hire vehicle will be subject to specification set out in **Appendix E**, which will be attached as conditions to all limousines licensed as a private hire vehicle.
- 2.39.5 It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. 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.

2.40 Funeral and Wedding Vehicles

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- 2.40.1 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.
- 2.40.2 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 licensable activity.
- 2.41 Courtesy Cars**
- 2.41.1 The Council takes the view that vehicles, which are used as “courtesy cars”, i.e. for transporting customers to and from garages, airports, hotels and night-clubs, without charge but with an obvious business benefit, are likely to need to be licensed under the private hire licensing scheme. Whilst there may not be a separate charge for using the vehicles, they are being supplied with a driver for a specific purpose which is likely to result in a ‘business benefit’, for example a customer using that particular business as opposed to one that doesn’t offer the same transport service.
- 2.42 Ambulances and Other Patient Transport**
- 2.42.1 All ambulances meeting the following requirements will be exempt from 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.”*
- 2.42.2 Other patient transport services provided by either Primary Care Trusts or voluntary organisations are likely to require licensing as private hire vehicles.
- 2.43 Voluntary Sector Transport**
- 2.43.1 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 private hire business.
- 2.43.2 The Council is of the view that licensing requirements apply where it can be proven that the business obtains a benefit or are using drivers whose services go beyond that of mere social kindness. In all such circumstances, the business and/or driver will be contacted by the Council to consider the specific circumstances of the service provided.
- 2.44 Dual Plating**

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- 2.44.1 The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another licensing authority.

2.45 National Flags

- 2.45.1 On the occasion of major sporting or non-sporting events (for example, a world cup, coronation, royal wedding, etc.) **a maximum of two (2) national flags may be flown on a licensed vehicle**. The flags 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.

PART 3 - DRIVERS

3.1 Licences

- 3.1.1 The statutory and practical criteria and qualifications for a private hire driver are broadly identical to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire and hackney carriage drivers unless otherwise stated.
- 3.1.2 The Council requires that separate driver licences be ordinarily held in respect of hackney carriage and private hire vehicles. The Council will offer drivers of either discipline the other type of driver licence (known as a 'dual licence') for an administrative cost only, providing all licensing requirements are satisfied.

3.2 Age and Experience

- 3.2.1 A licence will not be granted to anyone who has not held a full driving licence, issued in accordance with the Road Traffic Act 1972 (as amended), for a period of at least twelve (12) months immediately prior to the application.
- 3.2.2 **An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must obtain a full UK driving licence within twelve (12) months of the issue of the hackney carriage or private hire driver licence. Where this requirement is not satisfied, the hackney carriage or private hire driver licence will be automatically suspended pending compliance. This policy requirement is to ensure appropriate regulation of any penalty points issued by the courts in relation to road traffic offences. The Council consider this to be an integral part of the 'fit and proper person' test.**

3.3 Driver Knowledge Tests

- 3.3.1 Hackney carriage drivers clearly need a good working knowledge of the District for which they are licensed, because hackney carriages can be hired immediately, directly with the driver at ranks or on the street. In order to determine fitness to hold a licence, applicants for a hackney carriage driver's licence are required to undertake a computerised knowledge test based on local geography, in addition to any other requirements the Council may prescribe from time to time. In addition, applicants are required to take a short verbal test of their knowledge in relation to customer care, the Council's Licensing Policy and basic numeracy.
- 3.3.2 The Council recognises that private hire drivers also require a working knowledge of the district as a whole; however as private hire vehicles must be pre-booked, the Council acknowledges that the

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same instant knowledge is not required as there would be an opportunity to research the required route. Accordingly, there is no requirement for an applicant for a private hire driver licence to undertake a computerised knowledge test. The applicant will, however, be required to undertake a short verbal test in relation to customer care, the Council's Licensing Policy and basic numeracy.

3.3.3 A knowledge test pass is only valid for a period of six (6) months. If a driver licence has not been granted within a period of six (6) months following the successful knowledge test, a further knowledge test pass will be required prior to a licence being granted.

3.3.4 Further details of the respective tests are set out in Part 5 of this Policy.

3.4 Driving Proficiency and Qualifications

3.4.1 The Council believes that as a profession, hackney carriage and private hire drivers have a special responsibility for the safe transportation of fare paying passengers. Whilst the Council has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification, for example a BTEC Level 2 Award in Transporting Passengers by Taxi and Private Hire, the Council would encourage drivers to do so.

3.4.3 If the Head of Housing and Public Protection, when considering enforcement action related to driving standards, decides that a licence holder's driving standard calls into question their ability to remain a licensed driver, he may require the driver to pass a suitable driving assessment.

3.5 Medical Examination

3.5.1 In order to promote the Council's public safety licensing objective, it will be a requirement to produce a medical assessment from a registered medical practitioner confirming the applicant/licence holder's fitness to drive if:

- (i) The applicant is a new driver; or
- (ii) The licence holder is over seventy years of age; or
- (iii) The applicant/licence holder has a health condition that may impact upon their ability to drive a hackney carriage or private hire vehicle

Applicants may still apply for a three year licence, however, must produce further medical certification annually or at a shorter period where recommended by the medical practitioner.

3.5.2 The medical assessment required by this section must:

- (i) be completed on the Council's prescribed medical form (available on the Council website),
- (ii) be completed by the applicant's GP or a member of the applicant's GP's surgery,
- (iii) be completed by a GP having access to the applicant's full medical history,
- (iv) less than six (6) month's old at the licence start date,
- (v) contain an assessment of fitness to drive based on the DVLA Group 2 Medical Standards for Vocational Drivers.

3.5.3 If required to obtain a medical certificate, the applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the confidential assessment must be submitted to the Council accompanied by any relevant supporting documentation.

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- 3.5.4 **Holders of current PSV and/or HGV Licences, where the holder is able to produce proof of a current medical assessment, will not be required to undergo a further medical examination provided the requirements of subsection 3.5.2 are met.**
- 3.5.5 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. For the avoidance of doubt, the following medical conditions must be notified to the Council as soon as reasonably practicable however this list is not exhaustive:
- (i) any heart-related condition
 - (ii) any eyesight related condition
 - (iii) diabetes (Type 1 or Type 2)
 - (iv) epilepsy
 - (v) sudden attacks of giddiness or fainting
 - (vi) conditions causing excessive daytime sleepiness such as sleep apnoea
 - (vii) alcohol or drug dependency
 - (viii) mental or psychological disorders
 - (ix) any other condition that may affect the ability to drive
- Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical assessment by a Doctor appointed by the Council, at the applicant's own expense.

3.6 Medical Exemption Certificates

3.6.1 Carriage of wheelchairs: medical exemption certificates

Given that the main reasons for a hackney carriage or private hire vehicle driver to request a medical exemption are likely to be back or muscle-related 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.

3.6.2 Carriage of assistance dogs: medical exemption certificates

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.

The 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.

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3.6.3 Suitable medical professionals: medical exemption certificates

Examples of suitable medical professionals include, but are not limited to:

- i) medical specialist / consultant;
- ii) specialist nurse (for example, an asthma nurse); or
- iii) 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.

3.7 **Disclosure & Barring Service (DBS) Disclosures**

- 3.7.1 A DBS check on a driver is seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a licence, therefore an Enhanced Disclosure provided by the Disclosure & Barring Service is required by all applicants, whether new or renewal applications.
- 3.7.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licences, therefore applicants are required to disclose all convictions, including those that would normally be regarded as spent.
- 3.7.3 Before an application for a driver licence will be considered, the applicant must provide a current (less than three months old) Enhanced DBS Disclosure; the only exception would be where an applicant has registered with the DBS for the online checking service and the Council has seen the latest DBS to which the online check refers.
- 3.7.4 The Council is an accredited Disclosure & Barring Service body therefore applicants can deal with the Disclosure & Barring Service through the Council. The applicant will be responsible for the payment of the appropriate fee.
- 3.7.5 If a driver can satisfy the authority that they have been conviction, caution, fixed penalty notice or warning free for a minimum period of five (5) years, DBS disclosures will only be required upon renewal of a driver licence. A conviction, caution or warning imposed after the licence has been issued, or where an applicant does not have a minimum period of five (5) years free from convictions, may result in a requirement to obtain annual DBS disclosures.
- 3.7.6 **In the case of applicants with less than five (5) years residence in the UK, a Certificate of Good Conduct will be required from the relevant Embassy in addition to an Enhanced DBS Disclosure covering their time in the UK. All Certificates of Good Conduct must be translated into English by an accredited translator and accompanied by a declaration to that effect.**
- 3.7.7 The Council is bound by rules of confidentiality and will not divulge information obtained to any third party. The applicant for a DBS certificate will be sent a certificate to their home address and will need to provide the certificate to the Council who do not receive a copy. Once the Council have obtained the necessary information from a DBS certificate, no information from the DBS will be retained by the Council however periodic online checks may be made during the licence period.

3.8 **Relevance of Convictions and Cautions**

- 3.8.1 In relation to the consideration of convictions and cautions recorded against applicants, the Council will adopt the guidelines set out in **Appendix B** of this Policy.

Appendix A: Policy used for consultation

3.9 Convictions during period of licence

- 3.9.1 Where offences resulting in conviction are committed by licensed drivers in the course of their business or otherwise, it is important, in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on their hackney carriage or private hire driver's licence.
- 3.9.2 Driver's licence holders, who are convicted or cautioned for any criminal or motoring offence during the period covered by their existing licence, must disclose the conviction or caution and the penalty involved to the Council within seven (7) days of the conviction. In the case of a deferred sentence, the penalty must be disclosed to the Council within seven (7) days of sentencing. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction. Any breach of this subsection will become the subject of disciplinary action by the Head of Housing and Public Protection.

3.10 Safeguarding Training

- 3.10.1 The Council acknowledges the importance of safeguarding training to all licensed drivers and operators, particularly with regard to the prevention of child sexual exploitation, but additionally regarding vulnerable adults and children.
- 3.10.2 The Council are part of a Herts & Beds Licensing Collaboration Group that is looking at the possibility of standardising safeguarding training across Hertfordshire. When an appropriate safeguarding training course is available, the Council will make it a mandatory requirement for all new drivers and operators prior to the grant of a licence. All existing drivers and operators will be given a period of time in which to attend the training; failure to do so will preclude a licence being renewed until such time as the training requirement has been fulfilled.

3.11 Right to Work

- 3.11.1 All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in **Appendix F**.

3.12 Conditions of Licence

- 3.12.1 The Council is not permitted to attach conditions to a hackney carriage driver's licence however it is empowered to attach such conditions to a private hire driver's licence as are considered necessary.
- 3.12.2 For consistency, conditions will not be attached to driver licences however the Council consider continued compliance with this Policy as an essential requirement of the 'fit and proper' person test. Failure to comply with all policy requirements is likely to result in enforcement action in accordance with Part 6 of this Policy.

3.13 Driver Code of Conduct

- 3.13.1 Adopting a Driver Code of Conduct for hackney carriage and private hire licence holders serves to promote the Council's licensing objectives in respect of the hackney carriage and private hire

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trades; the standards expected of licence holders are detailed in **Appendix C**. **This Code of Conduct is an integral part of the 'fit and proper' assessment.**

3.14 DVLA Licence Checking

- 3.14.1 In order to ensure that the Council have a driver's complete driving history, thus enabling a fully informed decision to be made in respect of an application, the Council may check the DVLA database for all new and renewal driver applications. The application form includes a section where the applicant signs to give their consent for this check, the cost of which is borne by the applicant.
- 3.14.2 Any anomalies between the DVLA record and the applicant's driving licence will be brought to the attention of the DVLA and the Police.

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 Licence. A private hire vehicle may only be despatched to a customer by a private hire operator who holds a private hire operator licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 4.1.2 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 licence. All three licences, private hire operator, private hire vehicle and private hire driver, must be issued by the same licensing authority.
- 4.1.3 It is for the Council to decide whether the applicant is a 'fit and proper person' to hold a private hire operator licence.

4.2 Disclosure & Barring Service (DBS) Disclosures

- 4.2.1 Private hire operators cannot be required to produce an Enhanced DBS disclosure therefore a Basic Disclosure from the Disclosure & Barring Service, or a certificate of good conduct from the relevant embassy for overseas applicants, is considered appropriate in promoting the policy objectives. A reference covering the applicant's financial record and/or business history may also be considered appropriate in addition to these requirements in some instances.
- 4.2.2 Before an application for a private hire operator licence will be considered, the applicant must provide a current (less than 3 months old) Basic DBS Disclosure of Criminal Convictions, or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current hackney carriage or private hire driver licence with the Council will be exempt from this requirement.

4.3 Conditions

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- 4.3.1 The Council has power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The following condition will be attached to all private hire operator licences issued by the Council:

“This licence is granted subject to compliance with the requirements of Part 4 of the Council’s Hackney Carriage and Private Hire Licensing Policy throughout the duration of the licence period.”

4.4 Public Liability Insurance

- 4.4.1 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. Before an application for a private hire operator licence is granted, the applicant must either produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed or sign a declaration that their premises is not open to the public.

4.5 Licence Duration

- 4.5.1 The Council will ordinarily issue a successful applicant for a private hire operator licence with a 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.
- 4.5.2 Where a licence is granted part way through a month, that month will be included within the five-year period as though it had been a full month.

4.6 Address from which an Operator may Operate

- 4.6.1 Upon the grant of a private hire operator licence, the Council will specify on the licence the address from which the operator may accept bookings and despatch vehicles. This address will ordinarily be the address stated on the application form.
- 4.6.2 The operator must notify the Council in writing of any proposed change of address during the period of the licence in order that the Council can consider its suitability. The operator may not change operating address until such time as the change has been approved in writing by the Council. The operator must also provide proof of public liability insurance for the new premises, or sign a declaration that their new premises is not open to the public prior to the change being approved.

4.7 Operating Bases outside the District of North Hertfordshire

- 4.7.1 The Council will not grant a private hire operator licence for an operating base that is outside the District of North Hertfordshire District Council. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade as the operator may apply to the local authority responsible for the location of the proposed operating base.

4.8 Operating Bases inside the District of North Hertfordshire

- 4.8.1 A private hire operator licence issued by the Council will be required for any operator with an operating base that is inside the District of North Hertfordshire District Council. Accordingly, all vehicles and drivers operating from that base will require appropriate licences issued by the Council. This is to ensure that proper regulation and enforcement measures may be taken by the

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Council and that all vehicles operating with North Hertfordshire meet the Council's policy objectives.

4.9 Right to Work

- 4.9.1 All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in **Appendix F**.

4.10 Gaming Machines

- 4.10.1 Operators that provide a waiting facility for members of the public and/or drivers should be aware that they cannot make gaming machines available for use. This action would be a criminal offence under the Gambling Act 2005 and may give rise to doubts regarding the operator's suitability to hold a licence.

4.11 Sub-contracting of Private Hire Bookings

- 4.11.1 Legislation now allows for a licensed private hire operator to sub-contract a booking to another licensed private hire operator, whether in the same district or not. Both operators must be licensed within the area in which their operating base is located and should record details of the booking in the normal way.
- 4.11.2 All three licences (operator, driver and vehicle) must still be issued by the same local authority. For example, an operator licensed to operate in district A and district B cannot take a booking in district A and use a vehicle and driver licensed in district B. He can however sub-contract the booking to the operating base in district B using a vehicle and driver licensed in district B.
- 4.11.3 The initial booking must be taken within the area in which the operator is based and the sub-contracted booking must be taken within the area in which the sub-contracted operator is based.

4.12 Standards of Service

- 4.12.1 The operator shall:
- (i) provide a prompt, efficient and reliable service to members of the public,
 - (ii) ensure that their office staff act in a civil and courteous manner at all times,
 - (iii) ensure that booked vehicles arrive punctually at the appointed place,
 - (iv) ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated with adequate seating facilities,
 - (v) ensure compliance with legislation regarding the length of employee working hours.

4.13 Records

- 4.13.1 Booking records shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively, or in an appropriate electronic format.
- 4.13.2 Prior to each journey, the operator shall record the following particulars of every booking of a private hire vehicle accepted:
- (i) date of the booking ,

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- (ii) name and address of the hirer,
- (iii) time of pick-up
- (iv) address of the point of pick-up,
- (v) destination,
- (vi) licence number (or other identification) of the driver allocated to the booking,
- (vii) plate number (or other identification) of the vehicle allocated to the booking,
- (viii) fare agreed between the operator and hirer at the time of booking.

4.13.3 The operator shall keep the following records of the particulars of all private hire vehicles operated by him:

- (i) type, make, model, colour and engine size of vehicles,
- (ii) year when the vehicle was first licensed for private hire,
- (iii) vehicle registration numbers,
- (iv) number of seats for passengers,
- (v) owners of the vehicles,
- (vi) insurance details of vehicles,
- (vii) method of charging, i.e. whether or not a meter is fitted,
- (viii) private hire vehicle plate number.

4.13.4 The operator shall keep the following records of the particulars of all drivers of private hire vehicles operated by him:

- (i) driver's name, address and call sign,
- (ii) date employment commenced,
- (iii) date employment ceased,
- (iv) any change of address, including the date the address changed
- (v) any illness, disability or condition which may affect the driver's ability to safely carry out his duties,
- (vi) expiry date of driver licence

4.13.5 All records maintained by the operator shall be kept for at least twelve (12) months after entry and shall be produced for inspection, on request, by any Authorised Officer of the Council or any Police Officer.

4.14 Complaints

4.14.1 The operator shall notify the Council in writing of any complaints concerning a contract for hire arising from his business that he feels prudent to do so, for example for his own protection against frivolous or vexatious complaints or allegations of misconduct against a driver. Such notification must include the action taken, or proposed, as a result of the complaint.

4.15 Disclosure of Convictions

4.15.1 The operator shall, within seven (7) days of conviction, notify the Council in writing of any conviction or fixed penalty imposed on him during the period of duration of his operator licence. If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners receives a conviction or fixed penalty.

4.16 Private Hire Insurance

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- 4.16.1 The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the operator licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

4.17 Private Hire Driver Licences

- 4.17.1 The operator shall ensure that every driver engaged by him has obtained a private hire driver licence from the same licensing authority which issued the private hire operator licence. The operator shall use their best endeavours to ensure that all drivers have a badge issued by the Council and that the drivers wear the badge at all times whilst available for hire.

4.18 Planning Consent

- 4.18.1 To operate a private hire business from home, planning permission may be required. A private hire operator licence will not be granted without evidence that either planning permission has been issued for the premises concerned, or planning permission is not required for the limited use proposed.

PART 5 – APPLICATION PROCEDURE

5.1 General

- 5.1.1 This Part of the Policy is intended to give an indication of the application process relating to all application types. In line with its commitment to smarter ways of working, the Council reserve the right to make changes to the administrative process provided that the focus of the policy objectives are maintained.
- 5.1.2 Where the administrative process is amended, the Licensing Manager may amend this Part of the Policy in accordance with the delegation set out in subsection 12.2.1

5.2 Vehicles

- 5.2.1 An application for a vehicle licence will only be considered complete when all of the following components have been received:
- (i) prescribed application form, fully completed
 - (ii) appropriate fee
 - (iii) V5 registration document
 - (a) which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s);
 - (b) once the V5 has been provided for the grant of a new vehicle licence, it need not be re-submitted with subsequent renewal applications unless the details of the vehicle or registered keeper change.
 - (iv) current valid insurance certificate or cover note
 - (a) the certificate must include the appropriate usage as a hackney carriage or private hire vehicle;

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- (b) the certificate must cover a minimum of one (1) calendar month from the start date of the licence;
- (c) the certificate must not contain the name(s) of any driver not licensed with the Council;
- (d) if a cover note is provided, a full certificate of insurance must be provided before the expiry date of the cover note.
- (v) MOT certificate (not more than two calendar months old at the start date of the licence)
- (vi) Certificate of compliance (not more than two calendar months old at the start date of the licence)

5.3 Drivers

- 5.3.1 An application for a driver licence will only be considered complete when all of the following components have been received:
- (i) prescribed application form, fully completed
 - (ii) appropriate fee
 - (iii) a current valid full driving licence
 - (iv) enhanced Disclosure & Barring Service (DBS) disclosure, unless registered with the online DBS checking service
 - (v) knowledge test passes (new applicants only)
 - (vi) medical certificate (new applicants or renewals where the applicant is 70yrs of age or more)
 - (vii) proof of right to work in the UK (new applicants and where applicable)
 - (viii) a passport-sized, clear and easily identifiable photograph of the applicant
- 5.3.2 All new applicants must obtain the appropriate knowledge test passes and DBS disclosure prior to submitting an application and accompanying fee and documentation.

5.4 Operators

- 5.4.1 An application for an operator licence will only be considered complete when all of the following components have been received:
- (i) prescribed application form, fully completed
 - (ii) appropriate fee
 - (iii) inspection of the operating premises by a licensing officer
 - (iv) basic Disclosure & Barring Service (DBS) disclosure, unless licensed as a driver with the Council

5.5 Submitting and Collecting Documentation

- 5.5.1 Application forms, appropriate fees and all supporting documentation should be submitted at least twenty eight (28) days prior to the expiry of the previous licence. Incomplete applications may be returned to the applicant for resubmission when complete. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy. It is the licence holder's sole responsibility for ensuring they make their application in accordance with this Policy.
- 5.5.2 When submitting renewal applications, applicants should be aware that it may take up to five (5) working days to process and issue a licence once all relevant information and the fee have been received. 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 received.

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5.5.3 Documentation, with the exception of DBS disclosures, should ordinarily be posted to the Council at the address shown on the Council's website; original documentation will be returned to the applicant. Documentation may be left at the Customer Service Centre however it will be forwarded to the address on the Council's website and may delay the processing of the application. DBS disclosures should be delivered in person to the Council Offices.

5.5.4 **Licence plates, licence badges and paper licences can be collected from the Customer Service Centre by prior arrangement or sent in the post.**

5.6 New Driver Knowledge Tests

5.6.1 Hackney Carriage Drivers

In order to maintain the high standards that the Council expects of its hackney carriage drivers operating within the District, all new drivers are required to pass a knowledge test consisting of two parts, one computerised and one verbal; both parts must be passed to be considered for a hackney carriage driver licence.

5.6.2 Private Hire Drivers

In order to maintain the high standards that the Council expects of its private hire drivers operating within the District, all new drivers are required to pass a verbal knowledge test.

Computerised Test Composition

5.6.3 Applicants will be tested on their knowledge of North Hertfordshire and significant locations in the surrounding areas where they are likely to be required to travel to. Questions for the computerised test may include:

- i) the shortest route between locations based on the town where the applicant will predominately ply for hire;
- ii) the shortest route between prominent locations based on the District as a whole and neighbouring Districts;
- iii) the locations of prominent points of interest across the District such as hotels, surgeries, schools, etc;
- iv) the highway code;
- v) the Council's Hackney Carriage and Private Hire Licensing Policy and relevant legislation;
- vi) customer care; and
- vii) basic numeracy, including the calculation of change for a given fare.

5.6.4 Sixty (60) minutes is allowed for the forty (40) question computerised test and a pass must be achieved in each section as follows:

(i)	Shortest Routes (Town)	8 out of 10
(ii)	Shortest Routes (District)	3 out of 4
(iii)	Points of Interest	4 out of 5
(iv)	Highway Code	4 out of 5
(v)	Policy/Law	4 out of 5
(vi)	Customer Care	5 out of 6
(vii)	Numeracy	4 out of 5

5.6.5 Three (3) attempts are permitted at passing the computerised knowledge test ; each section of the computerised test need only be passed once, therefore, any re-test following a failed attempt will only consist of the sections previously failed. After three failed attempts to pass the

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computerised test, passes obtained in the individual sections of those three tests will not be carried forward to any subsequent re-test.

Verbal Test Composition

- 5.6.6 Fifteen (15) minutes is allowed for the fifteen (15) question verbal test and the pass mark is twelve (12) correct answers.
- 5.6.7 In addition to scoring twelve (12) correct answers, a licensing officer must be satisfied that the applicant has sufficient communication skills for a licensed driver therefore the test may be recorded.
- 5.6.8 Driver Test Failure
Three (3) attempts to pass a knowledge test are permitted in any one twelve (12) month period commencing from the date of the first test. Additionally, after a third failure no further tests will be permitted until a period of six (6) months from the date of the third test has elapsed. A fee will be charged for each test attempt.
- 5.6.9 Booking Tests
Both computerised and verbal knowledge test are available every Wednesday, save for exceptional circumstances. All bookings must be accompanied by the appropriate test fee paid at the time of booking; a cancellation fee will be charged for non-attendance without twenty-four (24) hours prior notice.
- 5.7 Disclosure & Barring Service (DBS) Disclosures**
- 5.7.1 No application for a hackney carriage or private hire driver licence will be considered without an enhanced DBS disclosure satisfying the requirements of this Policy.
- 5.7.2 Appointments are available every Wednesday, save for exceptional circumstances. All bookings must be accompanied by the appropriate fee paid at the time of booking; a cancellation fee will be charged for non-attendance without twenty-four (24) hours notice. In the event that not all relevant paperwork is brought to the appointment and the DBS cannot be processed, anew appointment will need to be made and a further administrative fee will be charged.

OPTION 1

- 5.7.3 The Council encourages applicants to register with the online DBS checking service. This will enable the Council to check an existing DBS upon each renewal and only require a new DBS disclosure if the existing DBS has changed.

OR

OPTION 2

- 5.7.3 The Council requires applicants to register with the online DBS checking service. This will enable the Council to check an existing DBS upon each renewal and only require a new DBS disclosure if the existing DBS has changed.

5.8 The consideration of applications

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- 5.8.1 Upon receipt of a completed application form, including the fee and all supporting documentation, the Council will consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied.
- 5.8.2 In order for an application to be considered as a renewal application, the fully completed application form and correct fee must be received prior to the expiry date of the previous licence. Accompanying documentation can then follow as it becomes available. Failure to comply with this requirement will ordinarily result in the applicant having to re-apply as a new applicant and meet all the requirements of this Policy in respect of new applications.
- 5.8.3 Unsuccessful applicants will be informed of the Council's reasons for the refusal and their right of appeal against the Council's decision to the Courts.
- 5.9 Return of licence plates and licence badges**
- 5.9.1 All licence plates and licence badges remain the property of the Council and must be returned:
- (i) upon written request within seven (7) days of such a request,
 - (ii) within seven (7) days of expiry or surrender, or
 - (iii) immediately upon suspension or revocation.
- 5.9.2 A licence plate and a licence badge signify the existence of a current valid licence but are not licences in their own right therefore there is no reason why a renewed licence plate or licence badge cannot be displayed from the point of receipt.
- 5.9.3 Renewed licence plates and licence badges will only be issued therefore upon the return of the existing plate or badge at the point of collection. Where licence plates or licence badges are posted to the licence holder, the existing plate or badge must be returned within seven (7) days of receipt.

PART 6 – DISCIPLINARY AND ENFORCEMENT MEASURES

6.1 Enforcement

- 6.1.1 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 vehicle trade. In pursuing its objective to encourage responsible hackney carriage and 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. Where defects are such that use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable.
- 6.1.2 Primarily, all enforcement action will be based upon the seriousness of the breach and the possible consequences arising from it. Enforcement action will not normally, therefore, constitute a punitive response to minor technical contraventions of legislation. Repeated minor technical contraventions, however, will be subject to appropriate action.

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- 6.1.3 Enforcement action must always be consistent, proportionate and reasonable whilst ensuring that the public receive adequate protection. Determination of enforcement action may consider, but will not be limited to, the following:
- (i) seriousness of any offence(s);
 - (ii) driver's or operator's past history;
 - (iii) consequence of non-compliance;
 - (iv) likely effectiveness of the various enforcement options;
 - (v) risk to the public.

- 6.1.4 The Council will ensure that its enforcement is reasonable, transparent and proportionate and, notwithstanding this Policy, the Council will also consider the Housing and Public Protection Enforcement Policy.

6.2 Penalty Points Scheme

- 6.2.1 In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holders ability to fulfil the 'fit and proper' test, a penalty points system will be utilised as described in Appendix D. This 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,

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

6.3 Referrals to the Head of Housing and Public Protection

- 6.3.1 Whilst the day to day enforcement of hackney carriage and private hire licensing, including the issuing of penalty points, is a function carried out by licensing officers under the supervision of the licensing manager, serious disciplinary matters will be referred to the Head of Housing and Public Protection. Serious disciplinary matters will include, but are not limited to:

- (i) an accumulation of twelve (12) or more penalty points as detailed in **Appendix D**;
- (ii) refusal to carry a passenger without good reason;
- (iii) unlawful plying for hire;
- (iv) more than one offence of touting for business;
- (v) insurance offences;
- (v) overcharging; and
- (vi) any conviction relevant to **Appendix B**.

- 6.3.2 The Head of Housing and Public Protection will consider the impact of transgressions of the law, or an accumulation of penalty points, on the fitness of an individual to hold a hackney carriage or private hire licence and take appropriate action.

6.4 Appearances before the Head of Housing and Public Protection

- 6.4.1 Where the Head of Housing and Public Protection is considering disciplinary and/or enforcement action against an individual or company, the individual or company will be entitled to attend a meeting with the Head of Housing and Public Protection to answer allegations and/or provide any mitigating circumstances.

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- 6.4.2 Prior to attending the meeting, the investigating officer will provide a written report containing all the information necessary to understand the allegation(s), the relevant sections of this Policy, the options available to the Head of Housing and Public Protection and any other relevant information. The report will be provided to the individual or company at least five (5) working days prior to the hearing.
- 6.4.3 The Head of Housing and Public Protection may decide to take one or more of the following actions:
- (i) no action;
 - (ii) informal action (verbal or written warnings or penalty points);
 - (iii) require the production of driving licences or other specified documentation at the Council Offices;
 - (iv) use statutory notices (s68 stop notices, etc.);
 - (v) suspend a licence;
 - (vi) revoke a licence;
 - (vii) authorise a fixed penalty notice (where appropriate);
 - (viii) authorise a Simple Caution;
 - (ix) authorise prosecution action;
 - (x) other appropriate action as deemed necessary, including any combination of the above.
- 6.4.4 Alternative to enforcement action for first time smoking offences
To support the initiatives of NHS Hertfordshire, in addition to offering health benefits to offenders, first time smoking offenders may be offered a fixed period of time, at the Council's discretion, to attend an official 'stop smoking' course.
- 6.4.5 Alternative to enforcement action when there are driving standards concerns
Where concerns are raised in respect of a driver's standard of driving, the driver may be required to pass an appropriate driving standard assessment at the discretion of the Council. Failure to achieve a pass within a specified period of time will result in the suspension of the driver until such time as a pass is achieved. Where necessary for public safety, a driver may be suspended immediately until such time as a pass is achieved.

6.4 Informal Action

- 6.4.1 Informal action to secure compliance includes offering advice, verbal or written warnings, and the issuing of penalty points.
- 6.4.2 Informal enforcement action may be appropriate in, but not limited to, the following scenarios:
- (i) the act or omission is not serious enough to warrant formal action;
 - (ii) it can reasonably be expected that informal action will achieve future compliance;
 - (iii) confidence in the driver or operator is ordinarily high; or
 - (iv) the consequences of non-compliance will not pose a significant risk to public safety.

6.5 Suspension

6.5.1 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 specification and conditions of this Policy is essential and will be enforced by periodic, random vehicle inspections by the Council. Where it is

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found that any vehicle is not being properly maintained, a defect(s) notice will be served on the licence holder setting out the defect(s) and the required action.

Where there is a risk to public safety the further use of the vehicle will be suspended until the defects have been remedied. The suspension will not then be lifted until the vehicle has undergone a further test at the Council's nominated testing facility, at the licence holder's expense, and meets the testing requirements of this Policy.

6.5.2 Drivers

The Council may exercise its discretion to suspend the operation of a driver's licence for a specified period at the discretion of the Head of Housing and Public Protection. Where a licence holder has been referred to the Head of Housing and Public Protection because they have been convicted of a serious criminal offence, or have accumulated twelve or more penalty points under the Council's penalty points system, the Head of Housing and Public Protection may order the suspension of the licence for a specified period at the discretion of the Head of Housing and Public Protection.

Ordinarily, such action will only be taken where informal action is deemed inappropriate and formal legal action is not proportionate.

6.6 **Section 68 (Stop) Notices**

6.6.1 An Authorised Officer of the Council or a Police Officer may serve notice in writing for a hackney carriage or private hire vehicle, or the taximeter affixed to such a vehicle, to be examined at the Council's nominated testing facility at a time specified in the notice. This notice may only be served if there are concerns as to the condition of the vehicle or the accuracy of the taximeter.

6.6.2 In addition to subsection 6.6.1, the vehicle licence may be suspended until such time as the Council's testing requirements have been complied with if it is deemed necessary for public safety. The suspension notice will remain in force until the issuing officer has issued written confirmation that the Council's testing requirements have been met.

6.6.3 If the issuing officer is not satisfied that appropriate action has been taken to allow the suspension notice to be withdrawn within a period of two (2) months from date of issue, the vehicle licence will be deemed automatically revoked.

6.7 **Revocation**

6.7.1 Where a licence holder has been referred to the Head of Housing and Public Protection because they have:

- (i) committed a criminal offence;
- (ii) have accumulated twelve (12) or more penalty points issued under **Appendix D**;
- (iii) no longer meet the 'fit and proper' test set out in **Appendix A**; or
- (iii) for any other reason whereby the policy objectives would not be met,

the Head of Housing and Public Protection may revoke the licence. Ordinarily, any revocation is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the Head of Housing and Public Protection may determine that a revocation takes immediate effect and is not held pending an appeal.

6.8 **Refusal to Renew**

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- 6.8.1 As an alternative to revocation, the Head of Housing and Public Protection may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed. The Head of Housing and Public Protection may suspend the existing licence for the remainder of its licence period depending on the individual merits of the case.

6.9 Simple Cautions

- 6.9.1 The purpose of a Simple Caution as an alternative to prosecution is to:
- (i) deal quickly and efficiently with less serious offences;
 - (ii) divert less serious offences away from the Courts; and
 - (iii) reduce the likelihood of repeat offences.
- 6.9.2 In the interests of natural justice, the following criteria must be met before a Simple Caution is administered:
- (i) there must be sufficient evidence of guilt to give a realistic prospect of a conviction;
 - (ii) the offender must admit the offence; and
 - (iii) the offender must understand the significance of the caution and give informed consent to be cautioned.
- 6.9.3 Where a person declines the offer of a Simple Caution, it will be necessary to consider taking alternative enforcement action; whilst this would ordinarily mean prosecution, this is not inevitable.

6.10 Fixed Penalty Notices

- 6.10.1 Where the option is available to administer a Fixed Penalty Notice (FPN), the Head of Housing and Public Protection may determine that an FPN is an appropriate alternative to prosecution for the same reasons as detailed in subsection 6.9.1
- 6.10.2 In the interests of natural justice, the following criteria must be met before a FPN is administered:
- (i) there must be sufficient evidence of guilt to give a realistic prospect of a conviction;
 - (ii) the offender must admit the offence; and
 - (iii) the offender must understand the significance of the FPN and give informed consent that they accept the FPN.
- 6.10.3 Where a person declines the offer of an FPN, it will be necessary to consider taking alternative enforcement action; whilst this would ordinarily mean prosecution, this is not inevitable.

6.11 Prosecution

- 6.11.1 The decision to prosecute is significant as it may impact on the licence holder's future employability. Generally, the circumstances that may warrant a prosecution include, but are not limited to:
- (i) blatant disregard for legislation and/or this Policy, particularly where the economic benefits are substantial and provide advantage of those licence holders who are law-abiding and compliant with this Policy;
 - (ii) when there has been blatant and/or reckless disregard for the safety of passengers or other road users;
 - (iii) where there has been repeated breaches of legislation or the requirements of this Policy;
 - (iv) where a particular type of offence is prevalent and a clear message needs to be sent; or
 - (v) where a particular contravention has caused serious public concern.

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- 6.11.2 A decision on whether to prosecute may consider, but is not limited to, the following:
- (i) the seriousness of the offence or contravention;
 - (ii) the risk or harm to the public;
 - (iii) identifiable victims (including the impact on the victims);
 - (iv) failure to comply with statutory notices, warnings, or other enforcement sanctions;
 - (v) disregard of public safety for financial reward;
 - (vi) the offender's previous history, in particular repeated offences or contraventions;
 - (vii) the ability and willingness of witnesses to co-operate;
 - (viii) the likelihood of future compliance;
 - (ix) the probable public benefit of a prosecution and the importance of the case in establishing precedent or addressing public concern;
 - (x) whether other action, such as a Simple Caution or FPN, would be more appropriate or effective.

6.12 Complaints against Drivers

- 6.12.1 Complaints against hackney carriage and private hire drivers are relatively low in North Hertfordshire, however, when received usually relate to overcharging or unprofessional behaviour. All complaints will be fully investigated, often involving the taking of statements from the complainant, driver and any witnesses.
- 6.12.2 The investigating officer will consider all evidence and mitigating circumstances arising from the investigation before making a recommendation to a senior officer who will reach a decision in accordance with the Housing and Public Protection Enforcement Policy and this Policy. For the purposes of this paragraph, a senior officer is the investigating officer's immediate supervisor or line manager.
- 6.12.3 The outcome of any complaint will be advised to the complainant in the form of a written response.

PART 7 – FARES

7.1 Hackney Carriages

- 7.1.1 Hackney Carriage Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. The Council considers it good practice to review the fare scales at regular intervals, and will, therefore, consider the fare scales on an annual basis.
- 7.1.2 When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed.
- 7.1.3 The fare for any journey that starts and ends within the District of North Hertfordshire cannot exceed the metered fare based on the Council's maximum fare tariff. **The meter should only be started when the passenger(s) is/are in the vehicle and the journey commences.**
- 7.1.4 The fare for any journey that starts or ends outside of the District of North Hertfordshire can be negotiated prior to the commencement of the journey without using the meter. Unless such an

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agreement is reached prior to the journey commencing, the fare should comply with the requirements of subsection 7.1.3

- 7.1.5 The maximum fares currently prescribed by the Council are set out on the Council's website. A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.
- 7.1.6 The Council will review the fares tariff on an annual basis, ordinarily with a view to setting a tariff from 1 November each year. The Council will consult with the trade and follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976.
- 7.1.7 A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid. (This section will be unnecessary if Option 3 is selected for section 2.26)

7.2 Private Hire Vehicles

- 7.2.1 The fare for a journey in a private hire vehicle must be agreed with the private hire operator at the time of booking. The driver should charge no more than the fare agreed with the operator at the time of booking.
- 7.2.2 The agreement between the hirer and the operator can either be for a fixed monetary sum, or an agreement that the fare will be calculated using the meter within the vehicle. In the case of a metered fare, the starting point for engaging the meter must be agreed at the time of booking.
- 7.2.3 A private hire driver must, if requested by the passenger, provide a written receipt for the fare paid.

7.3 Hackney Carriage Fare Setting Principles

- 7.3.1 The responsibility for setting hackney carriage fares is delegated to the Head of Housing and Public Protection based on all relevant information available at each annual review however the following principles will generally apply:

OPTION 1

- 7.3.2 Standard Tariff (Tariff 1)
This tariff will apply for all journeys commencing between 06:00hrs and 23:59hrs.
- 7.3.3 Enhanced Tariff (Tariff 2)
An enhanced tariff will apply to all journeys:
(i) commencing between midnight and 05:59hrs.
(ii) commencing on Sundays
(iii) commencing on Bank/ Publicly-declared Holidays
- 7.3.4 Christmas Day Tariff
A special tariff in excess of Tariff 2 will apply to all journeys commencing on Christmas Day

OR

OPTION 2

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7.3.2 Standard Tariff (Tariff 1)

This tariff will apply for all journeys commencing between 06:00hrs and 22:59hrs.

7.3.3 Enhanced Tariff (Tariff 2)

An enhanced tariff will apply to all journeys:

- (i) commencing between 23:00hrs and 05:59hrs.
- (ii) commencing on Sundays
- (iii) commencing on Bank/ Publicly-declared Holidays

7.3.4 Christmas Day Tariff

A special tariff in excess of Tariff 2 will apply to all journeys commencing on Christmas Day

OR

OPTION 3

7.3.2 Standard Tariff (Tariff 1)

This tariff will apply for all journeys commencing between 06:00hrs and 23:59hrs.

7.3.3 Enhanced Tariff (Tariff 2)

An enhanced tariff will apply to all journeys:

- (i) commencing between midnight and 05:59hrs.
- (ii) commencing on Sundays

7.3.4 Christmas Day Tariff

A special tariff in excess of Tariff 2 will apply to all journeys commencing on Christmas Day

OR

OPTION 4

7.3.2 Standard Tariff (Tariff 1)

This tariff will apply for all journeys commencing between 06:00hrs and 22:59hrs.

7.3.3 Enhanced Tariff (Tariff 2)

An enhanced tariff will apply to all journeys:

- (i) commencing between 23:00hrs and 05:59hrs.
- (ii) commencing on Sundays

7.3.4 Christmas Day Tariff

A special tariff in excess of Tariff 2 will apply to all journeys commencing on Christmas Day

OR

OPTION 5

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7.3.2 Standard Tariff (Tariff 1)

This tariff will apply for all journeys commencing between 06:00hrs and 23:59hrs.

7.3.3 Enhanced Tariff (Tariff 2)

An enhanced tariff will apply to all journeys:

- (i) commencing between midnight and 05:59hrs.
- (ii) commencing on Bank/ Publicly-declared Holidays

7.3.4 Christmas Day Tariff

A special tariff in excess of Tariff 2 will apply to all journeys commencing on Christmas Day

OR

OPTION 6

7.3.2 Standard Tariff (Tariff 1)

This tariff will apply for all journeys commencing between 06:00hrs and 22:59hrs.

7.3.3 Enhanced Tariff (Tariff 2)

An enhanced tariff will apply to all journeys:

- (i) commencing between 23:00hrs and 05:59hrs.
- (ii) commencing on Bank/ Publicly-declared Holidays

7.3.4 Christmas Day Tariff

A special tariff in excess of Tariff 2 will apply to all journeys commencing on Christmas Day

OR

OPTION 7

7.3.2 Standard Tariff (Tariff 1)

This tariff will apply for all journeys commencing between 06:00hrs and 23:59hrs.

7.3.3 Enhanced Tariff (Tariff 2)

An enhanced tariff will apply to all journeys:

- (i) commencing between midnight and 05:59hrs.

7.3.4 Christmas Day Tariff

A special tariff in excess of Tariff 2 will apply to all journeys commencing on Christmas Day

OR

OPTION 8

7.3.2 Standard Tariff (Tariff 1)

This tariff will apply for all journeys commencing between 06:00hrs and 22:59hrs.

7.3.3 Enhanced Tariff (Tariff 2)

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An enhanced tariff will apply to all journeys:
(i) commencing between 23:00hrs and 05:59hrs.

7.3.4 Christmas Day Tariff

A special tariff in excess of Tariff 2 will apply to all journeys commencing on Christmas Day

PART 8 – LICENCE FEES

8.1 Fee Structure

8.1.1 The legislation and established case law provides that licence fees should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of hackney carriages and private hire vehicles. In simple terms, the Council can only set fees on a 'reasonable cost recovery' basis and cannot make a profit from licence fees when analysed over a typical three-year cycle.

8.1.2 Discretionary services that do not fall within the remit of subsection 8.1.1, such as pre-application advice, knowledge testing, DBS appointments, etc. will be charged for separately utilising the same 'reasonable cost recovery' basis. This is to ensure that the cost of these applicant-specific services is not incorporated into the licence fees paid by existing licence holders.

8.1.3 The fees currently payable for the grant and renewal of hackney carriage and private hire licences are set out on the Council's website. The fee structure is reviewed annually as part of the Council's budgetary process.

8.2 Payments

8.2.1 The Council is able to accept payment by debit or credit card, cheques, postal orders or BACS payments. Cheques or postal orders must be made payable to North Hertfordshire District Council.

8.2.2 The Council is unable to accept cash payments, save for exceptional circumstances.

8.3 Refunds and Duplicate Copies

8.3.1 In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, the Council may make a refund in respect of the whole months of the unexpired portion of the licence fee.

8.3.2 Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will be paid to cover the associated administrative costs.

8.3.3 In the case of a licence that has been suspended, revoked or otherwise ends early due to disciplinary matters, no refund will be made by the Council.

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PART 9 – HACKNEY CARRIAGE STANDS

9.1 Appointed Stands (commonly known as ranks)

- 9.1.1 The Council will periodically review the provision of hackney carriage stands within the District. In the event that there is evidence of the need to amend the existing provisions, a full consultation would be undertaken prior to any amendments. Comments are welcomed from either the trade or the public in regards to the suitability of existing provision.

9.2 Waiting on Stands

- 9.2.1 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.
- 9.2.2 Whilst the law states it is an offence to leave a vehicle unattended on a hackney stand, discretion will be allowed for drivers leaving their vehicles in acceptable circumstances, for example 'comfort breaks'. Leaving a hackney carriage unattended on a stand for any other circumstances, for example shopping, will be dealt with as an offence in accordance with this Policy.

9.3 Plying for Hire

- 9.3.1 For the avoidance of doubt, the Council does not have a by-law requiring hackney carriages to return to a taxi stand between fares. Hackney carriages can, therefore, park and be available for hire in any position where an ordinary member of the public can lawfully park. Hackney carriages are, however, subject to road traffic regulations and should not park in any position that obstructs the highway, the highway being both the road and the footway.

PART 10 – TRADE CONSULTATIVE FORUM

- 10.1 The Council wishes to encourage discussions between the trade and the licensing authority in order to promote a successful working relationship. To facilitate this aim the Council will host the Hackney Carriage and Private Hire Consultative Forum that will be open to applications for membership from any licence holder within North Hertfordshire.
- 10.2 Membership, terms of reference and work plan will be determined in accordance with prevailing circumstances and further details will be contained within a Forum Page on the Council's website.

PART 11 – RIGHT OF APPEAL

- 11.1 The Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 52 and 77 detail an applicant's right of appeal.
- 11.2 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, refuse to renew, suspend or revoke a licence, or impose conditions on a licence the applicant has

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a right of appeal to the local Magistrates' Court. The only two exceptions are:

- (i) in the case of a refusal to grant or renew a hackney carriage vehicle licence where the appeal lies directly to the Crown Court, and
- (ii) the decision to suspend a hackney carriage or private hire vehicle licence under s68 of the 1976 Act against which there is no right of appeal

11.3 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.

11.4 A further right of appeal against the decision of the Magistrates' Court lies with the Crown Court.

PART 12 – DELEGATED POWERS

12.1 Authorised Officers

12.1.1 All Officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations, are responsible for the day to day operation of the Council's Hackney Carriage and Private Hire Licensing Policy, save for any issues reserved for the Licensing Manager, Head of Housing and Public Protection or Executive Member for Housing and Environmental Health.

12.2 Licensing Manager

12.2.1 The following powers are specifically reserved to the Licensing Manager (or in his/her absence, any officer delegated to act in the Licensing Manager's absence) :

- (i) the management of the Council's Authorised Officers as detailed in subsection 12.1.1,
- (ii) the authorisation of applications that are compliant with this Policy,
- (iii) minor departures from Policy in accordance with subsection 1.3.4,
- (iv) changes to the administrative process set out in Part 5 of this Policy,
- (v) the issuing of penalty points in accordance with **Appendix D**,
- (vi) any enforcement action not reserved for the Head of Housing and Public Protection,
- (vii) the issuing of Stop Notices under s68 of the 1976 Act,
- (viii) temporary suspension of licensed drivers pending a disciplinary hearing before the Head of Housing and Public Protection,
- (ix) any amendments to this Policy in accordance with subsection 1.4.2

12.3 Head of Housing and Public Protection

12.3.2 The following powers are specifically reserved to the Head of Housing and Public Protection (or in his/her absence, any officer delegated to act on the Head of Housing and Public Protection's absence):

- (i) suspension or revocation of existing licences, save for:
 - (a) temporary suspension of vehicles using Stop Notices under s68 of the 1976 Act; and
 - (b) temporary suspension of existing licensed drivers pending a disciplinary hearing before the Head of Housing and Public Protection,
- (ii) refusal to renew existing licences,
- (iii) refusal of new applications,
- (iv) substantial departures from Policy in accordance with subsection 1.3.3,
- (v) setting of hackney carriage and private hire licensing fees and charges,

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(vi) setting of hackney carriage fare tariffs

12.4 Executive Member for Housing and Environmental Health

12.4.1 The ongoing review and amendment of the Council's Hackney Carriage and Private Hire Licensing Policy in accordance with subsection 1.4.3

PART 13 – DEFINITIONS

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

Term	Definition
the 1976 Act	the Local Government (Miscellaneous Provisions) Act 1976
Authorised Council 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 or the Licensing Authority	North Hertfordshire District Council
the trade	any holder of a current driver, vehicle or operator licence issued by North Hertfordshire District Council
the District	The geographical region contained within the boundaries of North Hertfordshire District Council
he, his or him	All references to the male gender expressly imply references to the female gender too
the Head of Housing and Public Protection	The current post-holder (or the Head of Service of the appropriate service area following any subsequent restructure) or any nominated deputy authorised by the Council's Scheme of Delegation
the Licensing Manager	The current post-holder (or the manager of the service area following any subsequent restructure) or any nominated deputy authorised by the Council's Scheme of Delegation
the licence plate or the plate	The vehicle licence plate issued to all vehicles and required to be displayed externally at the rear of all licensed vehicles
this Policy	North Hertfordshire District Council's Hackney Carriage and Private Hire Licensing Policy
proprietor licence	either a hackney carriage or private hire vehicle licence
Executive Member for Housing and Environmental Health	The Elected Member responsible for Housing and Public Protection (or the appropriate service area following any subsequent restructure) who is a member of the Cabinet
Registered 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
driver Licence	Any reference to the term driver licence, unless prefixed by DVLA, refers to a hackney carriage or private hire driver's licence (within the context of the specific paragraph) issued by the Council

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vehicle licence	Any reference to the term vehicle licence refers to a hackney carriage or private hire proprietor licence (within the context of the specific paragraph) issued by the Council
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Hackney Carriage (as defined by s 38 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.

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APPENDIX A THE DEFINITION OF 'FIT AND PROPER'

- A.1 The legislation clearly states that the Council may grant a licence only if it is satisfied that the applicant is a 'fit and proper' person.
- A.2 At the time of an application, **the onus is on the applicant to demonstrate that they meet this requirement, not on the Council to demonstrate that the applicant does not.**
- A.3 **When considering disciplinary or enforcement action, the onus is on the Council to demonstrate that the licence holder no longer meets this requirement.**
- A.4 Definition of 'Fit and Proper'
In the absence of a judicially approved definition of "fit and proper", the Council use the test of:
"Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone?"
- The wording of this test originates from Mr J T H Button BA, Solicitor, MIL, MClarb, a well known and respected solicitor widely acknowledged as an authority in licensing legislation, particularly that of hackney carriages and private hire, and has generally been accepted by the Courts.
- A.5 In order to further assist in understanding the interpretation of this definition, the Council will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving records, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.
- A.6 It should be borne in mind that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, persons who are incapacitated from alcohol, lone women and foreign visitors. Some examples of areas of concern that the Council will consider include, but are not limited to:
- (i) Honesty and trustworthiness
Drivers often have knowledge that a customer is leaving a property empty; they have opportunities to defraud drunken, vulnerable or foreign persons; or they have opportunities to abuse their position of trust. For example, all passengers would expect to be charged the correct fare for the journey and be given the correct change; they would expect any lost property to be handed over to the police; and they would expect confidentiality to be maintained between themselves and the driver.
 - (ii) Professionalism

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Drivers are often subject to unpleasant, abusive or dishonest behaviour, albeit from a small minority of passengers. Although this is clearly unacceptable behaviour, the Council expects drivers to remain professional at all times and unacceptable behaviour by passengers does not excuse in any way aggressive or abusive conduct by drivers. Confrontation should be avoided and all disputes should be resolved through the formal legal channels. Under no circumstances must drivers take the law into their own hands.

(iii) Good and safe driving ability

Passengers are paying for a service whereby they expect to reach their chosen destination promptly and safely. Drivers must be fully conversant with all road traffic legislation and this Policy and drive in a professional, lawful and safe manner at all times.

APPENDIX B THE RELEVANCE OF CAUTIONS AND CONVICTIONS

B.1 General Principles

- B.1.1 The over-riding consideration for the Council in its determination of applications is the promotion of the licensing objectives detailed within subsection 1.2.2 of this Policy, in particular public safety.
- B.1.2 **Notwithstanding the existence of this Policy, each application will be determined on its own merits.**
- B.1.3 Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this Appendix is to formulate guidelines, consistent with national guidance, which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing licences, for hackney carriage and private hire vehicle, driver and operator licences.
- B.1.4 **If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the Council that they did not commit the offence. If they seek to do so, their representation will not be considered as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.**
- B.1.5 For the purpose of this Policy, the acceptance of a Fixed Penalty Notice will be treated as a conviction. A caution may be treated as a conviction depending on the individual merits and mitigating circumstances of each case.
- B.1.6 **Period free from conviction**
Any reference to a period free from conviction relates to the period commencing from either:
(i) where a custodial sentence has been imposed, from the end of the custodial period; or
(ii) in any other case, from the date of conviction.

B.2 History

- B.2.1 The Council may take into account an applicant's history as a licence holder with this, or any other, Council. In considering whether or not a person is 'fit and proper' the Council may consider such matters as the applicant's complaint history, their compliance with this Policy, their co-operation with licensing officers' requests, and any other reasonable matters.

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B.3 DVLA Penalty Points

- B.3.1 Hackney carriage and private hire drivers should provide a professional service to the public and must be aware of the safety of passengers and other road users at all times. Any traffic offence shows a lack of responsibility whilst driving either in terms of vehicle maintenance or the level of driving standards.
- B.3.2 Convictions or cautions for traffic offences will not automatically preclude an applicant from obtaining a licence, however, the number, nature and frequency of such offences will be considered. In some circumstances it may be appropriate to issue a licence together with a written warning as to future driving standards detailing the likely effect of further offences. Where there is a significant history of driving offences, an application is likely to be refused.
- B.3.3 Five unspent penalty points or less on a current DVLA driving licence
In cases of five (5) unspent penalty points or less on an applicant's DVLA driving licence, an application will usually be granted. A licence granted under these circumstances is likely to be issued together with a verbal warning as to future driving standards detailing the likely effect of further offences.
- B.3.4 Six to nine unspent penalty points on a current DVLA driving licence
In cases of six (6) to nine (9) unspent penalty points on an applicant's DVLA driving licence, an application may be granted depending on the nature of the offences and the frequency. A licence granted under these circumstances is likely to be issued together with a written warning as to future driving standards detailing the likely effect of further offences.
- B.3.5 Ten or more unspent penalty points on a current DVLA driving licence
In cases of ten (10) or more unspent penalty points on an applicant's DVLA driving licence, an application will be refused.

B.4 Major Traffic Offences

- B.4.1 For the purposes of this section, major traffic offences includes, but is not limited to:
- (i) dangerous driving,
 - (ii) driving whilst disqualified,
 - (iii) failure to stop after an accident,
 - (iv) driving without valid insurance,
 - (v) careless driving, and
 - (vi) driving a vehicle with mechanical defectives (such as brakes, steering, tyres, etc.)
- B.4.2 If the applicant has been convicted of one major traffic offence then a licence application will normally be refused until the applicant has completed a period of at least three (3) years free from conviction.
- B.4.3 If the applicant has been convicted of more than one major traffic offence then a licence application will normally be refused until the applicant has completed a period of at least seven (7) years free from conviction. Where the combination of offences are considered to be of increased risk to the public, a period longer than seven (7) years may be substituted by the Council dependant on the extent of the risk to the public.

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- B.4.4** If the applicant has been convicted of a combination of three (3) or more offences of no valid insurance and/or driving whilst disqualified then the Council believes that person causes an unacceptable risk to public safety and a licence will ordinarily be refused.
- B.4.5** “Totting Up” under section 35 of the Road Traffic Offenders Act 1988
Where an applicant/licence holder has been disqualified from driving by the courts under the “totting up” procedure, the Council will normally refuse an application until there has been a period of twelve (12) months free of relevant convictions. If the applicant has demonstrated to the court “exceptional hardship” and avoided a driving disqualification, applications will still normally be refused until there has been a period of twelve (12) months free of relevant convictions. The Council believe that the risk to the public is sufficient to maintain this consistent stance.
- B.4.6** Failure to Declare Motoring Offences
Where an applicant/licence holder fails to disclose motoring offences on their application form, even if they have been declared on previous applications or are spent, the Council will normally deal with this by way of the issuing of penalty points. If, however, the Council determines that there was a premeditated intention to deceive, the matter will be considered as an offence of dishonesty and dealt with in accordance with that section of this policy.
- B.5 Major Traffic Offences resulting in Death**
- B.5.1** The driving offences of causing death by:
(i) dangerous driving,
(ii) careless driving,
(iii) driving under the influence of alcohol or drugs, or
(iv) driving unlicensed, disqualified or uninsured,
due to their nature, will be considered by the Council to be an unacceptable risk to public safety and an application will be refused.
- B.6 Drunkenness**
- B.6.1** Separate consideration will be given to convictions for drunkenness whilst in charge of a vehicle as opposed to drunkenness whilst not in charge of a vehicle due to the differing risk to the public.
- B.6.2** In Charge of a Motor Vehicle
The Council considers driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence causing a high element of risk to the public; however an isolated incident will not automatically preclude an application from being granted.
(i) A single conviction for any alcohol-related driving offence will normally preclude an application from being granted for a period of five (5) years from the restoration of the DVLA driving licence.
(ii) More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will be refused.
- D4.3** Not in Charge of a Motor Vehicle
An isolated conviction for drunkenness not associated with driving or being in charge of a motor vehicle will not automatically preclude an application.
(i) Where there is an isolated conviction for disorder and/or drunkenness, a licence will normally be granted together with a verbal warning as to future driving standards detailing the likely effect of further offences.

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- (ii) More than two (2) convictions for disorder and/or drunkenness will normally lead to refusal of an application until such time as a period of three (3) years free of convictions has elapsed.

B.7 Drug Offences

B.7.1 The Council considers all offences related to controlled substances as a serious risk to the public.

B.7.2 An applicant with one conviction for any Class A drug related offence, including supplying or trafficking, will be required to show a period of ten (10) years free of convictions before an application is considered.

B.7.3 An applicant with more than one conviction for any Class A drug related offence, including supplying or trafficking, will be considered an unacceptable risk to public safety and an application will be refused.

B.7.4 An applicant with a conviction for any Class B drug related offence, including supplying or trafficking, will be required to show a minimum period of five (5) years free of convictions before an application is considered. The length of period over and above the minimum five (5) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

B.7.5 An applicant with a conviction for any Class C drug related offence will be required to show a period of at least three (3) years free of convictions before an application will be considered.

B.7.6 In all cases, where an applicant has been medically classed as an addict, an application will be precluded until such time as a period of five (5) years has elapsed since the completion of a recognised detoxification programme.

B.8 Sexual or Indecency Offences

B.8.1 As hackney carriage and private hire drivers often carry unaccompanied and/or vulnerable people, any applicant with a conviction or caution for any sexual or indecency offence (other than a major offence – see subsection B.8.2 below) will normally be refused a licence until such time as they have been free of convictions for a period of seven (7) to twelve (12) years. The length of period over and above the minimum seven (7) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

B.8.2 Major Sexual or Indecency Offences

For the purpose of this Policy, the following offences will be considered as major sexual or indecency offences with the highest element of risk to the public:

- (i) rape;
- (ii) indecent or sexual assault;
- (iii) assault by penetration;
- (iv) making, distributing or possession of child pornography;
- (v) trafficking and/or preparatory offences (defined by the Sexual Offences Act 2003); or
- (vi) sexual offences involving children or vulnerable adults

Any applicant with a conviction for a major sexual or indecency offence will be considered an unacceptable risk to the public and any application will be refused.

B.9 Violent Offences

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- B.9.1 The Council considers all violence related offences as a serious risk to the public; offences of criminal damage and public order will be treated as violent offences for the purposes of this Policy.
- B.9.2 An application will be refused where the applicant has been convicted of:
- (i) murder or attempted murder,
 - (ii) manslaughter,
 - (iii) any offence involving the possession of a firearm,
 - (iv) any terrorism-related offence, or
 - (v) racially aggravated grievous bodily harm or malicious wounding.
- B.9.3 An application will be refused where the applicant has been convicted of:
- (i) arson,
 - (ii) possession of a weapon (other than a firearm),
 - (iii) any racially aggravated offence (other than those in B.9.2 above),
 - (iv) any offence that may be categorised as domestic violence,
 - (v) violent disorder or riot.
- unless there has been a period of ten (10) years free of conviction.
- B.9.4 An application will normally be refused where the applicant has a conviction for a violent offence, other than those listed in B.9.2 or B.9.3 above, unless there has been a period of five (5) to ten (10) years free of convictions. The length of period over and above the minimum five (5) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.
- B.9.5 Multiple Offences
Whilst an isolated conviction for a violent offence, other than those listed in B.9.2 above, will not normally permanently preclude an application, the Council will have grave concern for public safety if an applicant has committed multiple violent offences.
An application will be refused in cases where an applicant has:
- (a) two (2) or more separate convictions for violent offences listed within subsection B.9.3, or
 - (b) three (3) or more separate convictions for violent offences.
- B.10 Dishonesty**
- B.10.1 Hackney carriage and private hire drivers are expected to be persons of trust; it is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the difference in currency and become vulnerable to an unscrupulous driver. Equally, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining lost property left in the vehicle. As members of the public entrust themselves to the care of licensed drivers, the Council considers offences involving dishonesty as a serious risk to public safety.
- B.10.2 An applicant that has been convicted of an offence related to dishonesty will normally be refused a licence until such time as they have been free of convictions for a period of five to ten years. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.
- B.11 Other Offences and Special Circumstances**

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B.11.1 If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, or the specific circumstances of the application justify it, the application may be referred to the Head of Housing and Public Protection for determination in line with the principles of this policy.

B.11.2 In particular, if an applicant/licence holder is not precluded by any one section of this policy but has a series of convictions that in their totality cause concern as to their ability to meet the 'fit and proper' test, the licensing manager may refer the applicant/licence holder to the Head of Housing and Public Protection for determination in line with the principles of this policy.

B.12 Summary

B.12.1 Except in the most serious of circumstances, an applicant having a previous or current conviction will not normally be permanently precluded from obtaining a hackney carriage or private hire driver's licence.

B.12.2 The Council believe that a person convicted of an offence, who is required to wait for the expiry of a rehabilitation period prior to their application being considered, is more likely to value their licence and ensure that future convictions are avoided.

B.12.3 The Council consider that there are, however, certain offences that are so serious in nature or frequency that an applicant should be precluded from obtaining or retaining a licence. The Council's over-riding policy objective is to safeguard the safety of the general public by ensuring that all licensed drivers are safe, competent, and are able to maintain their vehicles to an acceptable standard.

B.12.4 By producing clear and transparent guidelines on the relevance of convictions, the Council is seeking to maintain the high standard of hackney carriage and private hire drivers, proprietors and operators within North Hertfordshire.

B.13 Existing Licence Holders

B.13.1 Any existing licence holder convicted of an offence during the period of their current licence will be subject to the above policy relating to the relevance of convictions as though they were a new applicant. In circumstances where a new applicant would normally have their application refused, an existing licence holder would normally have their licence revoked.

B.13.2 Existing licence holders should be aware that if the Council receives notification from the police that a driver is being investigated for an offence that would preclude the grant of a licence or is likely to result in the revocation of an existing licence, their licence will normally be revoked with immediate effect pending the outcome of the investigation.

(i) In the event that no charges are laid against the licence holder, the licence will ordinarily be reinstated for its original duration.

(ii) In the event that the licence holder is found not guilty, the licence will ordinarily be reinstated for its original duration, save for any previous or ongoing concerns relating to the licence holder's ability to meet the 'fit and proper' test.

B.14 Principles of the Rehabilitation of Offenders Act 1974 ("the 1974 Act")

B.14.1 Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely. The possibility of rehabilitation,

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and the length of time before rehabilitation occurs, depends on the sentence imposed and not the offence committed. Where a person is sentenced to imprisonment for a period exceeding thirty months, the conviction can never be spent.

- B.14.2 Despite the above general principles, the Act does not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of these vehicles is listed as a "regulated occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- B.14.3 Although the 1974 Act does not prevent any judicial authority, including the Council acting as the licensing authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a 'fit and proper person' to hold a licence. The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.

B.15 Mitigation and/or Exceptional Circumstances

- B.15.1 Where the Head of Housing and Public Protection is considering whether an applicant meets the 'fit and proper' person test, the applicant will be entitled to provide the Head of Housing and Public Protection with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the Head of Housing and Public Protection. Prior to attending the meeting, the applicant will be provided with a written report containing all the information necessary for the Head of Housing and Public Protection to make his determination. The report will be provided to the applicant at least five (5) working days prior to the meeting.

APPENDIX C DRIVER CODE OF CONDUCT

C.1 General Responsibilities of a Licensed Driver

- C.1.1 Licensed drivers shall use their best endeavours to promote the image of the trade by:
- (i) complying with all aspects of this Policy,
 - (ii) maintaining their vehicles in a safe and satisfactory condition at all times,
 - (iii) attending punctually when undertaking pre-booked hirings,
 - (iv) assisting passengers entering into and alighting from the vehicle,
 - (v) offering passengers reasonable assistance with luggage, and
 - (vi) behaving in a civil, orderly and responsible manner at all times.
- C.1.2 To avoid nuisance to residents when picking up or waiting for a fare, a licensed driver shall:
- (i) not sound the vehicle's horn illegally to attract the passenger's attention,
 - (ii) keep the volume of all audio equipment to a reasonable level, and
 - (iii) switch off the engine when required to wait.
- C.1.3 Whilst waiting on hackney carriage ranks, in addition to the requirements of subsection C.1.2, a licensed driver shall:
- (i) rank in an orderly manner and proceed promptly along the rank in accordance with rank protocol, and
 - (ii) remain in the vehicle, save for alighting to smoke or for comfort breaks.

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- C.1.4 Whilst waiting at private hire operator premises, in addition to the requirements of subsection C.1.2, a licensed driver shall:
- (i) not undertake servicing or repair of vehicles on the highway,
 - (ii) not undertake servicing or repair of vehicles on the premises unless appropriate planning permission has been obtained, and
 - (iii) take whatever action is necessary to ensure that the business operation does not cause unnecessary disturbance to residents.

C.2 Driver Dress Code

- C.2.1 The Council believes that licensed drivers have a responsibility to dress professionally and appropriately whilst undertaking hackney carriage or private hire work to promote confidence amongst members of the public, especially visitors to the District.
- C.2.2 The following are deemed to be unacceptable standards of dress for a licensed driver:
- (i) bare chests,
 - (ii) clothing or footwear which is unclean or damaged,
 - (iii) clothing printed with wording, logos or graphics which may offend,
 - (iv) sports shirts e.g. football, rugby or cricket tops, or track suits,
 - (v) footwear that prevents the safe operation of the vehicle,
 - (vi) headgear that partially or completely conceals the face or the identity of the driver e.g. baseball caps pulled down over the face,
 - (vii) any shorts, other than smart tailored shorts.
- This list is not exhaustive and Authorised Officers will assess whether standards of dress are acceptable. If an Authorised Officer deems a driver's standard of dress to be unacceptable, the decision will have effect as though it were included in the above list.

C.3 Driver Conduct

- C.3.1 The driver shall be respectably dressed, clean and tidy in appearance at all times whilst his vehicle is being made available for hire.
- C.3.2 The driver shall at all times, when acting in accordance with the drivers licence granted to him, wear or display such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.
- C.3.3 The driver shall not lend the badge to any other person or cause or permit any other person to wear it.
- C.3.4 On termination or surrender of a driver's licence, the driver shall return the badge to the Council immediately.
- C.3.5 The driver shall behave in a civil, polite and orderly manner at all times and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from, the vehicle.
- C.3.6 The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view, or allow the licence plate to be so defaced as to make any information illegible.

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- C.3.7 The driver who has agreed to, or has been hired to, be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- C.3.8 The driver, when hired to drive to a particular destination, shall proceed to that destination by either the shortest available route, or the believed cheapest route considering all known factors such as roadworks, delays, etc.
- C.3.9 The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.
- C.3.10 The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
- C.3.11 The driver must not solicit, by calling out or otherwise importune any person to hire or be carried for hire.
- C.3.12 The vehicle shall be presented in a clean and tidy condition for each journey.
- C.3.13 The driver shall not smoke or 'vape' in a licensed vehicle at any time.
- C.3.14 The driver shall not drink or eat in the vehicle whilst conveying passengers.
- C.3.15 The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.
- C.3.16 The driver shall not operate the horn as a means of signalling that the vehicle has arrived.
- C.3.17 Drivers must not use a mobile phone whilst driving unless it is designed for hands-free operation.
- C.3.18 The driver must notify the Council within a period of seven (7) days of:
- (i) any criminal conviction, caution, or fixed penalty notice,
 - (ii) any driving endorsement,
 - (iii) any change of medical condition that may impact on the ability to drive, or
 - (iv) any change of name or address
- whilst the licence is in force.

C.4 Lost Property

- C.4.1 A licensed driver shall diligently search the vehicle periodically for any property which may have been accidentally left therein.
- C.4.2 In the event of lost property being found that is identifiable to a known passenger, the driver shall either return the property to the passenger forthwith or contact the passenger to arrange its return.
- C.4.3 Any property found that is not identifiable to a passenger and not subsequently claimed within seven (7) days should be taken to the nearest police station and/or left in the custody of a police officer after obtaining a receipt.

C.5 Carriage of Animals

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- C.5.1 A driver may not carry any animal not belonging to a passenger in a licensed vehicle whilst available for hire or carrying passengers.
- C.5.2 Animals, other than assistance dogs, in the custody of passengers may be carried at the driver's discretion, provided they are restrained in a safe manner.
- C.5.3 Assistance Dogs
A driver must carry assistance dogs when requested to do so by a passenger unless they have been issued with a medical exemption certificate. Assistance dogs include guide dogs for blind or partially sighted persons, hearing dogs for the hard of hearing or deaf persons, and any other assistance dog which assist a disabled person with a physical or mental impairment.
- C.6 Carriages of Passengers with Wheelchairs**
- C.6.1 Passengers with wheelchairs often prefer to travel in normal saloon, estate or multi-passenger vehicles rather than a specially adapted wheelchair accessible vehicle. In these circumstances, a driver **must** carry a passenger with a wheelchair unless the vehicle is unable to accommodate the wheelchair within the luggage compartment.
- C.6.2 Drivers of wheelchair accessible vehicles must:
- (i) not refuse to carry any passenger with a wheelchair,
 - (ii) not charge any additional fare for passengers with wheelchairs,
 - (iii) be fully conversant with the correct method of operating all ramps, lifts and wheelchair restraints fitted to the vehicle,
 - (iv) ensure that all wheelchairs are firmly secured in the vehicle using an approved restraining system and that the wheelchair brakes have been applied prior to commencing the journey,
 - (v) ensure that all ramps, lifts and wheelchair restraints fitted to the vehicle are available in full working order at all times the vehicle is available for hire.

APPENDIX D PENALTY POINTS SCHEME

The Penalty Points Scheme will operate as follows:

- D.1 The Council's Housing and Public Protection Services Enforcement Policy will be fully considered by the enforcing officer when determining the manner in which any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this Appendix. If this appendix allows a range of points for the particular incident, the enforcing officer will determine the appropriate number of points proportionate to the offence.
- D.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 Head of Housing and Public Protection. At the meeting

Appendix A: Policy used for consultation

with the Head of Service, the driver's penalty offences will be re-considered in light of any mitigating circumstances the driver wishes to be considered.

- D.3 Points issued to either a proprietor or driver will be confirmed in writing within ten (10) working days from the discovery of the contravention or the conclusion of an investigation into a complaint, whichever is the later.
- D.4 When issued, the penalty points will remain "live" for a period of two (2) years from the date they are imposed so that only points accumulated in a rolling twenty four (24) months period will be taken into account.
- D.5 If a driver, proprietor or operator accumulates twelve (12) or more points within a period of two (2) years from the date they are imposed, he will be required to attend a disciplinary meeting with the Head of Housing and Public Protection, where the appropriate action to be taken in accordance with this Policy.
- D.6 More than one accumulation of penalty points in excess of the twelve (12) point threshold in any four (4) year period will normally result in the Head of Housing and Public Protection revoking a licence due to the person failing to satisfy the 'fit and proper person' test as defined in **Appendix A**.
- D.7 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, however, the points will remain "live" for the normal two-year period.
- D.8 Even though penalty points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with penalty points, or has been formally cautioned, for similar offences, the Council reserve the right to cancel the penalty points and deal with the matter in accordance with the Housing and Public Protection Enforcement Policy and the provisions of Part 6 of this Policy. 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.
- D.9 In assessing the appropriate number of penalty points to issue, the enforcing officer will have regard to matters such as, but not limited to:
- (i) previous warnings
 - (ii) previous penalty point offences
 - (iii) mitigating circumstances
 - (iv) seriousness of the misconduct
 - (v) effect of the misconduct on the passengers, public or other drivers
 - (vi) the likelihood of the misconduct being repeated
 - (vii) acceptance of the misconduct/remorse for their actions
 - (viii) co-operation with any investigation
- D.10 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.

SCHEDULE OF PENALTY POINTS

Misconduct	Points
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Displaying an unpleasant manner towards a passenger or member of the public	3 - 5
Verbal abuse towards a passenger or member of the public	4 - 8
Physical abuse of any person	12
Rudeness towards, failure to co-operate with or obstruction of a council officer	8 - 12
Failing to ensure the safety of a passenger entering, alighting or whilst conveyed in a licensed vehicle	8 - 12
Failing to provide reasonable assistance with a passenger's luggage	4 - 6
Refusal to carry an assistance dog	10 - 12
Charging an additional amount for the carrying of an assistance dog	10 - 12
Failing to allow an assistance dog to travel in the passenger compartment with the passenger	10 - 12
Failing to assist a passenger with an assistance dog to enter or alight the vehicle	10 - 12
Refusal to carry a passenger in a wheelchair	10 - 12
Charging an additional amount for the carrying of the wheelchair	10 - 12
Failing to assist a passenger in a wheelchair to enter or alight the vehicle	10 - 12
Eating or drinking whilst conveying passengers	3 - 5
Consuming alcohol whilst available for hire	12
Smoking or vaping in a licensed vehicle at any time	4 - 6
Failing to using the taximeter when hired as a hackney carriage	10 - 12
Failing to agree a fare with the passenger for any out-of-district journey where the taximeter is not being used	10 - 12
Charging a hackney carriage passenger more than the metered or agreed fare	10 - 12
Failing to advise a private hire passenger of the fare prior to the start of the journey	10 - 12
Failing to display the current fare tariff card prominently within a hackney carriage	4 - 6
Private hire driver soliciting for hire in a private hire vehicle	6 - 12
Private hire driver accepting a fare that is not pre-booked directly with the private hire operator	10 - 12
Failing to carry an approved fire extinguisher in accordance with the policy	4
Failing to display the specified door sign on a private hire vehicle	4
Displaying a sign or advertisement on a licensed vehicle contrary to this Policy or without Council consent (where required)	3 - 5
Failing to advise of a relevant medical condition as required by this Policy	6 - 12

SCHEDULE OF PENALTY POINTS

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Misconduct	Points
Failing to provide a receipt when requested or when required by this Policy	4
Failing to notify the Council of a change of name and/or address	3
Failing to advise the Council of an accident as required by this Policy	4
Failing to advise the Council in writing of convictions during the period of a licence in accordance with this Policy	4 - 12
Failing to disclose previous convictions on an application form	4
Failing to ensure the exterior and/or interior of the licensed vehicle is maintained in a clean, sound and roadworthy condition	4 - 12
Failing to display the external licence plate in accordance with the requirements of this Policy	4 - 6
Failing to display the internal licence plate	3 - 5
Using a hand-held mobile telephone or entertainment device whilst driving	3 - 5
Knowingly giving false information to passengers	4 - 6
Failing to collect pre-booked passengers or failing to arrive for at a pre-booked location at the agreed time without reasonable excuse	3 - 5
Failing to wear or prominently display driver badge	4
Refusal to take a fare without a reasonable excuse	6 - 12
Unnecessarily prolonging a journey	6 - 12
Travelling less than the lawful distance for an agreed fare	6 - 12
Waiting/parking in parking bays without a valid parking ticket	4
Waiting/parking on a loading bay, disabled bay or bus stop	4
Waiting/parking on yellow lines or a footway	4
Carrying persons other than the hirer without the hirer's consent	6
Carrying more passengers than permitted	6 - 12
Using a licensed vehicle to ply for hire or to be made available for hire when in an unsafe and/or un-roadworthy condition	6 - 12
Driver leaving a hackney carriage unattended on a rank	3
Any other behaviour or misconduct not specified above	3 - 12

Appendix A: Policy used for consultation

APPENDIX E **ADDITIONAL CONDITIONS FOR LICENSING STRETCHED LIMOUSINES**

- E1 Left-hand drive limousines will be permitted as private hire vehicles
- E2 Sideways facing seating will be permitted in limousines providing that it conforms to all relevant road traffic vehicle legislation.
- E3 All limousines licensed as private hire vehicles must hold a valid Individual Vehicle Approval Certificate and be fitted with tyres of appropriate size and grade for that Approval.
- E4 All limousines licensed as private hire vehicles must obtain six-monthly test certificates showing that the vehicle has satisfied the standards of the appropriate MOT Class. The vehicle licence holder is responsible for sourcing a garage approved to carry out such tests and providing documentation attesting to the garage's compliance with the Council's vehicle testing requirements.
- E5 All limousines licensed as private hire vehicles must:
- (i) reduce their seating capacity to a maximum of eight (8) passengers,
 - (ii) not carry more than eight (8) passengers, including children, at any time,
 - (iii) not carry passengers in any seats in the driver's compartment,
 - (iv) ensure that any advertising of the limousine states the maximum seating capacity.
- E6 Seatbelts complying to all relevant legislation must be fitted to all forward and rear facing seats and must be worn by passengers at all times the vehicle is in motion. There is no legal requirement for seatbelts to be fitted on sideways facing seats, however if they are fitted they must be worn by passengers at all times the vehicle is in motion.
- E7 If alcohol drinks are to be provided in the vehicle:
- (i) an appropriate licence under the Licensing Act 2003 must be in effect,
 - (ii) alcohol may only be sold whilst the vehicle is stationary,
 - (iii) whilst the vehicle is in motion, all receptacles containing alcohol shall be securely stored,
 - (iv) if any occupants of the vehicle are below the age of eighteen (18) years old, the vehicle must not contain any alcohol,
 - (v) all drinking receptacles used in the vehicle must be made of shatterproof glass, plastic or polycarbonate.
- E8 The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the youngest passenger in the vehicle.
- E9 Limousines licensed as private hire vehicles are not permitted to carry luggage within the passenger compartment of the vehicle.
- E10 Limousines licensed as private hire vehicles must carry a safety hammer capable of being used to break the window glass of the vehicle. The hammer must be securely located within the driver's compartment.
- E11 Limousines that are licensed private hire vehicles may only be booked from and despatched by a licensed private hire operator and driven by a licensed private hire driver; all three licences must be issued by the same licensing authority.

Appendix A: Policy used for consultation

APPENDIX F RIGHT TO WORK

- F.1 From 1 December 2016, the Council is under a new legal duty to ensure that driver and operator licences are only issued to applicants who have lawful immigration status and the right to work in the UK. By law, the Council cannot issue a licence to any applicant that does not satisfy this requirement. This change of law applies to all applicants regardless of where they were born, how long they have lived in the UK and, if they already hold a driver or operator licence, how long they have held that licence.
- F.2 All applicants will need to attend the Council Offices where a council officer will check your original valid documentation evidencing your right to work in the UK (this can be arranged at the same time as attending for a knowledge test or a DBS appointment). You must attend in person and bring evidence of your right to work in the UK. Only certain types of documentation are acceptable.
- (i) For applicants who are British Citizens
All you need to provide is a British passport confirming you are a British Citizen
If you do not have a British passport you can produce any of the other documents contained within List A.
 - (ii) For applicants who are not British Citizens but have no restrictions on their right to work in the UK
All you need to provide is any of the other documents contained within List A.
 - (iii) For applicants who have restrictions on their right to work in the UK
You will need to produce any of the documents contained within List B. If your documentation proves a right to work that expires prior to the normal licence expiry date, your licence will only be granted for the period we have proof of a right to work.
- If you have a VISA that confirms your right to reside in the UK but it is attached to an expired passport we cannot accept this as proof. You will need to apply to the Home Office to obtain acceptable proof, such as a biometric residence permit. Once a valid application to the Home Office has been confirmed, a six month licence can be granted to allow time for the Home office to process the application.
- You must bring original documentation (not a photocopy) and it is your responsibility to make sure you can provide acceptable forms of documentation.
- The council officer will check that your documentation is acceptable based on either List A or List B (depending on your circumstances), check that the document is an original and relates to the person providing it, and take a photocopy for Council records.
- F.3 If the documentation you provide demonstrates that you have a permanent right to work in the UK (from List A) you will not be required to produce documentation for future applications. In other cases, you will be required to provide your documentation when you next apply to renew your licence so that your right to work can be verified again at that point in time.
- F.4 List A
- (i) A passport showing the holder, or a person named in the passport as the child of the holder, is a British Citizen or a citizen of the UK and Colonies having the right of abode in the UK.

Appendix A: Policy used for consultation

- (ii) A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- (iii) A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- (iv) A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- (v) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- (vi) A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- (vii) A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (viii) A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (ix) A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (x) A certificate of registration or naturalisation as a British Citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

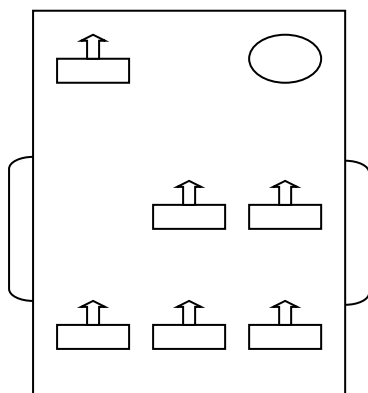
F.5 List B

- (i) A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- (ii) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- (iii) A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- (iv) A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (v) A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. *This licence may be granted for six months from the date of the Certificate of Application.*

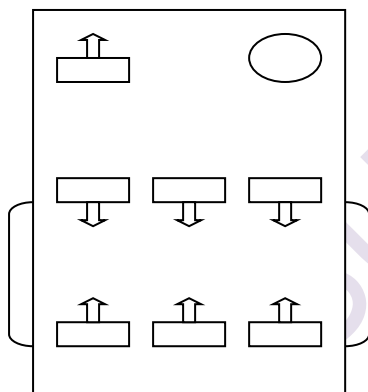
Appendix A: Policy used for consultation

- (vi) A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. *This licence may be issued for six months from the date of the licence decision.*

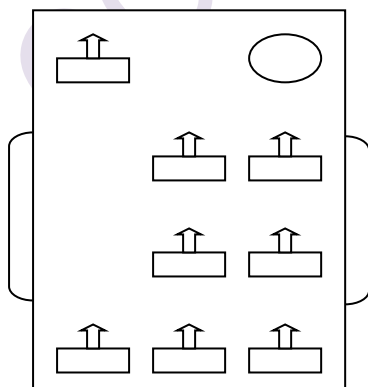
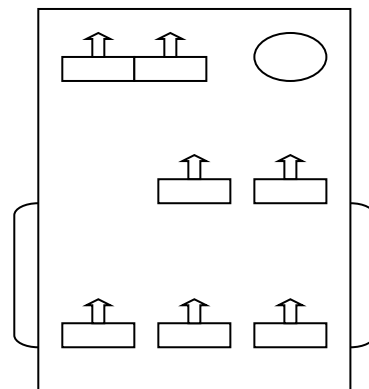
APPENDIX G APPROVED SEATING CONFIGURATIONS IN MULTI-PASSENGER VEHICLES



Six-seater vehicle




Seven-seater vehicle





Eight-seater vehicle

Appendix A: Policy used for consultation

 Driver

 Passenger Seat

 Passenger facing

 Door