

# Public Document Pack



<b>COMMITTEE:</b>	<b>LICENSING &amp; REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>FRIDAY, 12 APRIL 2024 10.30 AM</b>
<b>VENUE:</b>	<b>ELISABETH FRINK ROOM, ENDEAVOUR HOUSE, RUSSELL ROAD, IPSWICH IP1 2BX</b>

<b>Councillors</b>	
<u>Conservative Group</u> Anders Linder Gilly Morgan	<u>Green Group</u> David Bradbury Terence Carter Jen Overett
<u>Liberal Democrat Group</u> Nicky Willshere (Vice-Chair)	Daniel Pratt Andrew Stringer Ollie Walters (Chair)

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## AGENDA

### PART 1

#### MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

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Report from the Licensing Team

## **Date and Time of next meeting**

Please note that the next meeting is scheduled for Friday, 14 June 2024 at 10.30 am.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, on: 01473 296373 or Email: [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

### **Introduction to Public Meetings**

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

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# Agenda Item 3

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **LICENSING & REGULATORY COMMITTEE** held in the Britten Room - Endeavour House on Friday, 8 December 2023

### **PRESENT:**

Councillor: Nicky Willshire (Vice-Chair)

Councillors: Terence Carter    Anders Linder  
                  Jen Overett     Andrew Stringer

### **In attendance:**

Officers:                                      Licensing Projects Officer (NG)  
  Corporate Manager Public Protection (TH)  
  Legal Advisor (ND)  
  Lead Officer Regulatory & Civic (KS)  
  Lead Officer Members & Systems (MS)

### **Apologies:**

Gilly Morgan  
David Napier  
Dr Daniel Pratt  
Ollie Walters (Chair)

### **1            DECLARATION OF INTERESTS BY COUNCILLORS**

1.1        There were no declarations of interest.

### **2            MLR/23/1 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 3 FEBRUARY 2023**

**It was RESOLVED:**

**That the minutes of the meeting held on 3 February 2023 be confirmed and signed as a true record.**

### **3            TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

3.1        None received.

### **4            QUESTIONS FROM COUNCILLORS**

4.1        None received.

## **5 MLR/23/2 REVIEW OF SCRAP METAL DEALERS LICENSING POLICY 2023**

5.1 Tracy Howard, Corporate Manager - Public Protection presented Paper MLR/23/2 to the Committee. The report provided the Committee with information and guidance on a new draft Scrap Metal Dealers Licensing Policy, attached as Appendix A, and requested Members approval of the draft Policy for public consultation.

5.2 The Corporate Manager - Public Protection advised Members that Recommendation 3.2 had been amended to agree a consultation period of 7 weeks.

5.3 In accordance with the Scrap Metal Dealers Act 2013 (SMDA), Mid Suffolk District Council, in its role as Licensing Authority, is responsible for licensing scrap metal dealers as defined within the Act.

5.4 It was considered appropriate to produce a single policy for both Babergh and Mid Suffolk District Councils which sets out a clear and consistent framework for the Council's approach to scrap metal licensing.

5.5 The Corporate Manager - Public Protection responded to Members questions, including: the process for dealing with scrap metal theft.

5.6 Councillor Stringer proposed the Recommendations as detailed in the Report. Councillor Carter seconded the proposal.

By a unanimous vote,

**It was RESOLVED:**

- 1.1 That the Licensing and Regulatory Committee agree the draft policy for the purposes of consultation.**
- 1.2 That the Licensing and Regulatory Committee agree a consultation period of 7 weeks with licence holders and key stakeholders.**
- 1.3 That the Licensing and Regulatory Committee deem the policy approved to proceed to Cabinet if there are no representations, or objections made against the draft policy.**

## **6 MLR/23/3 REVISION OF LICENSING OF SEX ESTABLISHMENTS POLICY 2024-2029**

6.1 Tracy Howard, Corporate Manager - Public Protection presented Paper MLR/23/3 to the Committee. The report provided the Committee with information and guidance on a revised version of a single Policy for the Licensing of Sex Establishments, attached as Appendix A, and requested Members approval of the draft Policy for public consultation.

6.2 The Corporate Manager - Public Protection advised Members that Recommendation 3.2 had been amended to agree a consultation period of 7 weeks.

6.3 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishments, namely sexual entertainment venues.

6.4 Mid Suffolk District Council adopted the existing Policy on 6<sup>th</sup> August 2012, attached as Appendix B, and it had not been reviewed since.

6.5 It was considered appropriate to produce a single policy for both Babergh and Mid Suffolk District Councils. Minor amendments were also made to ensure the Policy reflected legislative changes.

6.6 The Corporate Manager - Public Protection responded to Members questions, including: confirmation that there were currently no premises in the district.

6.7 Councillor Overett proposed the Recommendations as detailed in the Report. Councillor Linder seconded the proposal.

By a unanimous vote,

**It was RESOLVED:**

- 1.1 That the Licensing and Regulatory Committee agree the draft policy for the purposes of consultation.**
- 1.2 That the Licensing and Regulatory Committee agree a consultation period of 7 weeks with licence holders and key stakeholders.**
- 1.3 That the Licensing and Regulatory Committee deem the policy approved to proceed to Cabinet if there are no representations, or objections made against the draft policy.**

The business of the meeting was concluded at 11.15 am.

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Chair

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# Agenda Item 6

## MID SUFFOLK DISTRICT COUNCIL

<b>TO:</b> Licensing & Regulatory Committee	<b>REPORT NUMBER:</b> <b>MLR/23/5</b>
<b>FROM:</b> Licensing Team	<b>DATE OF MEETING:</b> 12 April 2024
<b>OFFICER:</b> Kate Pearsall, Licensing Team Leader	<b>KEY DECISION REF NO.</b> N/A

### REVISION OF HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY

#### 1. PURPOSE OF REPORT

- 1.1 To provide members with information and guidance on a revised version of a single Hackney Carriage and Private Hire policy, attached at Appendix (a). This policy will be applicable to both Babergh and Mid Suffolk.
- 1.2 To seek member approval of the draft policy for public consultation.

#### 2. OPTIONS CONSIDERED

- 2.1 To make no changes to the current policy.
- 2.2 This option is not recommended as to ensure the policy is effective and reflects best practices and procedures, it is important to review and amend as appropriate.

#### 3. RECOMMENDATIONS

- 3.1 That the Licensing and Regulatory Committee agree the draft policy attached at Appendix A, for the purposes of consultation.
- 3.2 That the Licensing and Regulatory Committee agree a consultation period of six weeks with licence holders, key stakeholders and members of the public.

#### REASON FOR DECISION

A new single version of the Hackney Carriage and Private Hire licensing policy has been drafted following changes to legislation, best practice and statutory guidance.

It is recommended that this new policy is adopted following consultation to ensure the Council is up to date, transparent and consistent.

#### 4. KEY INFORMATION

- 4.1 As a Licensing Authority we are entitled, but not required, to adopt a policy on hackney carriage and private hire licensing. The policy is viewed as being an integral part of the decision-making process enabling consistency and transparency. It is there to guide the licensing authority but each case must still be considered on its own merits.

- 4.2 There is currently an existing policy for Mid Suffolk District Council which needs to be updated, Appendix (b). The decision was taken that the current format was no longer fit for purpose, therefore, a review has taken place and a new single policy for both Babergh and Mid Suffolk has been drafted.
- 4.3 The licensing team has conducted significant research on private hire and hackney carriage licensing including reviewing other Council's policies, taxi licensing guidance and best practice from the trade.
- 4.4 The policy has been revised taking into account changes to private hire and hackney carriage legislation, in particular the Department for Transport 'Statutory Taxi and Private Hire Vehicle Licensing Standards' and the best practice guidance which was updated on the 17<sup>th</sup> November 2023.
- 4.5 The Department for Transport purpose for setting these standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles. The standards state that when formulating a policy, the primary and overriding objective must be to protect the public. This latest policy now incorporates these standards.
- 4.6 The initial draft policy was sent to all drivers and operators and a meeting was held with the Mid Suffolk trade on the 26<sup>th</sup> February 2024. Feedback was received at this meeting and via email. As a result, amendments were made which are reflected in this version of the draft policy, attached at Appendix (a).
- 4.7 The proposed policy has been drafted taking into account this information, however it must be stressed that this is in draft form currently and a full public consultation should be undertaken. It is essential that the trade and other interested parties have the opportunity to fully consider and contribute to the new policy.
- 4.8 Although the revised policy is in a new and different format to the former policy, any significant changes introduced as a result of the above changes has been indicated in blue text.
- 4.9 It is recommended that the draft policy is published for a full consultation for six weeks, enabling plenty of time for the trade, general public and other interested parties to fully consider the proposals and respond if needed. The Licensing Team will ensure that all existing Operators and drivers are aware of the consultation and have the opportunity to respond.
- 4.10 Following consultation, officers will review all feedback received and return to Committee for their consideration.

## **5. LINKS TO MID SUFFOLK PLAN**

- 5.1 Customer – ensuring that the standards set protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 5.2 Economy - supporting the needs of new businesses by providing clarity on the council's approach to the licensing of drivers, vehicles and operators.
- 5.3 Environment – the policy outlines the Councils approach to meeting Central Government's plan in relation to zero emissions for all vehicles by 2035.



5.4 Community – the Council facilitates well-run and responsible businesses which provide essential services to the travelling public. The Council recognises the importance the licensed taxi trade offers to the local community particularly in rural areas where public transport may be limited, and connectivity may be compromised.

## 6. FINANCIAL IMPLICATIONS

6.1 The policy introduces new requirements for new applicants and in certain cases, current licence holders. These requirements will add additional costs, however, these new requirements are recommended by the Department for Transport ‘Statutory Taxi and Private Hire Vehicle Licensing Standards’ and the best practice guidance. This is to ensure that applicants meet the ‘fit and proper’ requirements laid out in Government statutory guidance.

## 7. LEGAL IMPLICATIONS

7.1 This policy ensures consistency and proportionality of approach and should be treated as a live document. The proposed changes ensure that the policy remains up to date and reflects current legislation and best practices, thereby ensuring that the council would be far less likely to be open to legal challenge

## 8. RISK MANAGEMENT

8.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Legal Challenge Reputation	2	2	Reviewing and ensuring policies are up to date and reflect correct legislation.	Public Protection Operational Risk Register for Service Planning 2023/24 Reference 016

*\*Name of risk register where risk is currently documented and being actively managed and it's reference number*

## 9. CONSULTATIONS

9.1 Should the Committee approve the draft policy for consultation, a period of six weeks is proposed for consultation. Appendix (d) lists the consultees. The draft policy will also be available for all on the Council's website.

## 10. EQUALITY ANALYSIS

10.1 An Equality Impact Assessment on the previous Hackney Carriage and Private Hire Policy was carried out in June 2021, attached at appendix (c). It identified that there was no differential impact on the 9 protected characteristics as defined by the Equality Act 2010. However, following the six week consultation period, an initial EQIA screening assessment will be completed to determine if a full assessment is needed.

## 11. ENVIRONMENTAL IMPLICATIONS

- 11.1 The policy addresses vehicle standards which link directly to vehicle emissions. This is in line with the Department for Transport Statutory guidance which state that the short-term objective should be to mitigate the harm from internal combustion engines through the setting of high Euro emission standards for example, Euro 6 but, in the long-term, the trade will need to be fully prepared for the end of the sale of new petrol and diesel cars and the need to transition to zero emission vehicles.
- 11.2 The policy specifies a date where vehicles that are newly licensed must be Euro 6. This date allows a lead in period for the trade to incorporate this into their business plan and comply with.

## 12. APPENDICES

Title	Location
(a) Draft policy	Attached
(b) Current policy	Attached
(c) Equality Impact Assessment June 2021	Attached
(d) List of consultees	Attached

## 13. BACKGROUND DOCUMENTS

- 13.1 Taxi and Private Hire Vehicle licensing best practice guidance for Licensing Authorities in England: [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/462222/Taxi_and_private_hire_vehicle_licensing_best_practice_guidance_for_licensing_authorities_in_England.pdf)
- 13.2 Statutory taxi and private hire standards: [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/462222/Statutory_taxi_and_private_hire_vehicle_standards.pdf)

## 14. REPORT AUTHORS

Kate Pearsall, Licensing Team Leader

Tracy Howard, Head of Public Protection

BABERGH AND MID SUFFOLK HACKNEY  
CARRIAGE AND PRIVATE HIRE  
LICENSING POLICY

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Babergh & Mid Suffolk Hackney and Private Hire vehicle policy draft 2024

Version XX.0

25/1/24

Presented by: Babergh and Mid Suffolk Licensing Team

Effective from xxx 2024 to xxx 2029

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# 1. INTRODUCTION AND ROLE OF LICENSING

## 1.1. Purpose

The Council has responsibility for the regulation and control of all Operators, Drivers and Vehicles which are used for hire and reward within the district. The power to carry out this function is contained within the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

## 1.2. Policy Aim

This Policy sets out our approach and framework for hackney carriage and private hire licensing and provides transparency and consistency for both those working in the industry, passengers, commercial sector, other regulatory agencies, other road users and members of the public.

The primary and overriding consideration in relation to the licensing of hackney carriage and private hire vehicles is public safety. Public safety includes the safety of drivers, operators, vehicle proprietors and their staff as well as the users of hackney carriage and private hire vehicles and the wider public. The public must have confidence in the safety of hackney carriages and private hire vehicles as a form of transport and as a consequence the highest standards will be expected from all applicants and licence holders.

The Council aims to provide a consistent and transparent licensing service when carrying out its regulatory functions relating to the licensing of Hackney Carriage and Private Hire Drivers, Vehicles and Operators. We aim to balance the needs of licence holders with our duty to protect the public and, in particular, children and vulnerable adults.

This Council aims to achieve this by:

- Safeguarding persons using Hackney Carriage and Private Hire services.
- Ensuring compliance with the Equality Act 2010 and meeting the Council's duty toward inclusivity and equality.
- Ensuring that licensed vehicles meet emissions standards and encouraging the use of electric or low pollutant vehicles.
- High service delivery by taxis ensuring driver competency and vehicle safety.

The Council facilitates well-run and responsible businesses which provide essential services to the travelling public. The Council recognises the importance the licensed taxi trade offers to the local community particularly in rural areas where public transport may be limited, and connectivity may be compromised.

Where exercising discretion in the carrying out of its functions the Council will have regard to the Policy. The Policy comprises this document and the annexes and appendices set out below. The annexes and appendices contain detailed information on the Council's requirements and conditions and must be read in full alongside this document as they form part of the Policy.

- Pre-Licensing Standards and conditions for
  - Drivers
  - Hackney Carriage Vehicles
  - Private Hire Vehicles
  - Operators
- Conviction Policy
- Penalty Point Scheme
- Exemption Policy
- Specialty Vehicles
- Horse Drawn Vehicles

### 1.3. Consultation

In reviewing this Policy, the Council has consulted its licence holders, Suffolk Police, relevant Council Services, groups representing customers, such as the Disability Forum, and the public.

The Policy will take effect on \*\*\*\*2024 and unless otherwise stated all provisions contained within the Policy will come into immediate effect.

The current Statutory Guidance issued by the Department for Transport (DfT) requires local authorities to review their licensing policy every five years unless legislative changes or local circumstances dictate otherwise. Subject to any prior amendment this Policy will remain in

place until \*\*\*\*2029 when it will be subject to review and further consultation. At the time of the review, we will consult with all interested parties.

Minor amendments and low impact changes which do not affect the substance of the Policy may be made in consultation with the Chairs of Licensing Regulatory Committee, Cabinet Member Portfolio Holder for the Service and the Service Director(s).

#### **1.4. Licensing Process and Delegated Functions**

Officers of the Council have the delegated authority to determine licence applications and may grant or refuse to grant a licence. Applications may also be referred to the Licensing Sub-Committee for consideration and determination.

The Licensing Team Leader also has delegated authority to determine licences in the following circumstances:

- In urgent cases when the continuance of any licence poses a risk to the public
- In cases that are a clear breach of policy
- To deal with minor breaches when suspension is considered and the chair of the licensing committee or their deputy agrees the Licensing Team Leader can make the determination.

In each case the Licensing Team Leader will liaise with the Chair of the Licensing Committee or their deputy before making the determination except in urgent cases when it is not practicable to delay making the determination.

Applications must be made, and will be determined, in accordance with the relevant processes and procedures set out in the Policy, its annexes and appendices.

#### **1.5. Relevant Legislation and Definitions**

In writing the Policy and in exercising its functions the Council has had and will continue to have regard to all relevant legislation including, but not limited to, the:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976 (as amended)

- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022
- Taxis and Private Hire Vehicles (Disabled Persons) Act 2022
- Environmental Protection Act 1990
- Equality Act 2000
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998

Where there are any subsequent changes made to the applicable legislation, or its interpretation by the courts that conflict with this policy, the conflicting elements will not apply and will be amended at the earliest opportunity.

Any reference to “Committee” in this Policy is a reference to the Licensing Regulatory Committee of the Council, or any of its Sub-Committees as the context permits.

#### **1.6. Fees**

The Council is responsible for setting licensing fees associated with carrying out the hackney carriage and private hire licensing function. These fees are set in accordance with the legislative requirements, primarily detailed in the Local Government (Miscellaneous Provisions) Act 1976.

The appropriate fee must accompany any application or renewal made. Some fees are payable on application and then subsequently at the grant stage.

There will be no refund for application fees if they don’t get past the process, and for any licence surrendered prior to expiry, suspended, or revoked.

#### **1.7. Partnership Working and Information Sharing**

The Council works in partnership with many other enforcement agencies such as the Police, HM Revenue and Customs, Home Office, DVLA, Department for Work and Pensions, Benefit Fraud etc.



The Council will share information with other departments or regulatory bodies where appropriate and will work with neighbouring Councils and report to them any relevant matters that relate to their licence holders.

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

### **1.8. National Register of Refusals and Revocation (NR3)**

The Local Government Association (LGA) launched a national register of Hackney Carriage and Private Hire licence refusals and revocations called NR3, which is a shared service that allows Councils to share information about suspensions, revocations, and refusals.

The Council is under a duty to record and search the NR3 to check if an applicant has previously had a licence refused or revoked by another Council. The data retention period for the database is 11 years and will begin at the point at which a licence was refused or revoked.

### **1.9. Enforcement**

It is essential for the safety of the public and the reputation of the trade that licensed drivers and operators and their vehicles comply with the terms of their licence and the requirements of this policy.

Effective hackney carriage and private hire regulation depends on partnership working and in particular the relationship between the trade, Council departments, the Police, DVLA and VOSA. [The Council has an intelligence sharing protocol in place with Suffolk Police that enables relevant information to be shared even before an arrest or conviction is made.](#)

The principles of enforcement are:

- Courtesy and Helpfulness
- Openness
- Clear Standards and Practices
- Proportionality
- Consistency
- Training of Staff

The Councils believe in the principles of good enforcement, as set out in the Legislative and Regulatory Reform Act 2006, which must be adopted by the Councils' services.

Enforcement action will be taken in line with this Policy and the Councils Enforcement Policy

[babergh-and-mid-suffolk-district-councils-joint-corporate-enforcement-policy-following-light-touch-review-2020-b](#)

### 1.10. Fit and Proper Person

All drivers must satisfy the Council that they are a fit and proper person to be granted a driver's licence and must remain a fit and proper person for the duration of said licence. The fitness and propriety of a driver will be monitored/assessed throughout the validity of the licence.

There is no definition within the act of 'fit and proper', however the DFT Statutory Standards (2020) suggests that the following question may be helpful in consideration of fit and proper:

**“Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person any time of day or night.”**

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

The safeguarding of the public is paramount to the issue of licences. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given the benefit of the doubt. If the committee or delegated officer is only '50/50' as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction (Ref: Department of Transport published its 'Statutory Taxi and Private Hire Vehicle Standards 2023).

Applicants are expected to act with honesty and integrity throughout the application process and must fully and accurately disclose any information that is requested/required.

Babergh & Mid Suffolk Hackney and Private Hire vehicle policy draft 2024

Version XX.0

25/1/24

Presented by: Babergh and Mid Suffolk Licensing Team

Effective from xxx 2024 to xxx 2029

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This includes information regarding previous convictions, arrests, warnings, reprimands, licence refusals, suspensions or revocations, current investigations and pending criminal proceedings.

To assess the suitability of an applicant the Council will undertake all checks deemed necessary to ensure that licences are not issued to and used by those that are unsuitable for the trade. In assessing the suitability of an applicant or the continued suitability of a licence holder, the Council will take into consideration the following standards:

- Period of holding a driver's licence
- Criminal history
- Medical Fitness
- Number of endorsed driving licence penalty points
- [Knowledge Test](#)
- General conduct/standards of behaviour
- Right to work
- HMRC Conditionality Tax check
- Completion of the college course for new applicants - Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver (this covers safe-guarding and disability awareness training)
- Completion a safeguarding course for existing drivers – e.g. Professional Taxi and Private Hire Driver Safeguarding course or equivalent
- [Completion of the English Language test for new applicants or reassessed drivers](#)
- [Completion of driver assessment test for new applicants or reassessed drivers](#)
- Any other relevant information such as complaints and referred agency information such as the Police, Children & Adult Safeguarding, other Councils and Statutory Agencies.

### **1.11. Safeguarding**

In November 2023, the Department of Transport published its 'Statutory Taxi and Private Hire Vehicle Standards'. These include a requirement that all licensing authorities should provide safeguarding guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.

Safeguarding is at the heart of this hackney carriage and private hire licensing policy. Procedures and practices including licensing conditions and enforcement reflect the importance of safeguarding and will seek to promote the welfare of children, vulnerable people, passengers in general and licensed drivers.

Safeguarding is everyone's responsibility, any licence holder who receives any information or has concerns regarding a safeguarding matter is expected to notify the licensing team or other appropriate authority. This would include concerns about:

- A licence holder's conduct
- The conduct of a passenger towards another person,
- The conduct of a carer/assistant towards another person
- The conduct of an employee or other person involved in the private hire operator business (including a volunteer)
- Any other relevant safeguarding matters

Private hire operator licensing conditions have been strengthened to require operators to review complaints and to develop and implement their own safeguarding policies. The conditions are set out in Appendix F.

## 2. HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS

### 2.1. General

Licensed drivers provide a public service and are used by everyone, but most frequently by vulnerable groups such as people with a disability, those with mental health conditions, young and older people. A driver is in a position of trust and responsibility to protect a passenger who places themselves, and their personal safety in their hands. They also have responsibilities to other road users and the general public.

The Council aims to ensure that Private Hire and Hackney Carriage services delivered within the district are of high and compliant standard and will not licence anyone to drive a Hackney Carriage or Private Hire vehicle unless it is satisfied that they are a fit and proper person.

The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance, and appropriately enforced. The driver's licence requirements and conditions are set out in Appendix A.

The Council issues a dual 3-year hackney carriage/private hire driver's licence; on occasions a shorter duration licence may be issued in specific circumstances, for example where the licence holders leave to remain in the UK is time-limited.

If a licensed driver fails to renew before the expiry of the licence, they will be required to apply as a new driver and meet all the requirements as set out in this policy. They will not be able to drive a hackney carriage or private hire vehicle until a new driver's licence has been issued.

It is the responsibility of the driver to ensure they apply for their renewal with all relevant supporting original documentation in good time, with the submission being not less than two weeks before expiry to allow for adequate processing and checks.

Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another.

The licence holder has a duty to inform this Council of any additional licences held at and issued by another Licensing Authority and to additionally advise each authority of any changes in this respect.

The Council will share and obtain any relevant information with other authorities regarding the conduct of licence holders and will consider this information for applications and renewals.

Applicants will be required to undertake and provide an enhanced 'other workforce' DBS, (including a check of both the Adult and Children's barred lists), statutory declaration listing all criminal convictions and other matters detailed on the application form, medical health check to the DVLA group 2 standard as a minimum, and share information held by DVLA, upon new and renewal applications.

Additional information may be sought as part of the application process if considered appropriate in individual circumstances.

Applicants for both new licences and renewals, who fail to report or declare an offence, or other relevant matters, will bring in to question their suitability to hold a licence. Failure to report or declare an offence prevents the Council from considering that information in protecting public safety. It is also a breach of the pre-licensing standards and will be taken into account as part of the consideration of the applicant's suitability and their 'fit and proper' status.

It is important that drivers notify the Council of any significant changes which occur throughout the duration of their licence. This includes but is not limited to changes in name, address, email address or telephone number, change of immigration status etc. This also includes any health changes which may affect their driving ability, all convictions, cautions, reprimands, warnings and DVLA penalty points currently shown on the licence or any other matter which may bring in to question their 'fit and proper' status.

## **2.2 Eligibility to Live and Work in the UK**

The Council has a duty to ensure that it only issues operators' and drivers' licenses to individuals who have a legal entitlement to live and work in the UK. No licence can be legally issued unless the Council receives proof of their right to work in the UK.

Proof of the right to live and work in the UK must be provided by driver and/operator applicants in accordance with the Immigration Act 2016. As part of the licence application process, individuals will be required to present original documentation for verification and

copies will be made and retained on file.

The Home Office has produced a list of documents that applicants can provide, further information can be found on their website: [Prove your right to work to an employer: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/proof-your-right-to-work-to-an-employer)

No licence will be permitted to expire beyond the licence holder's right to work expiry date.

The Council will refuse to grant or renew a licence and will suspend or revoke an existing licence if an individual is found to be living or working in the UK without the relevant authorisation. Under s53A(6) Local Government (Miscellaneous Provisions) Act 1976 a licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person's immigration status.

If an applicant cannot demonstrate the right to remain and work, the licence cannot be granted. If that status is lost during the currency of the licence, the licence lapses see s53A(6) Local Government (Miscellaneous Provisions) Act 1976.

### **2.3 DVLA**

In order to be eligible to apply to be a licensed driver an applicant must have held a full United Kingdom Driving Licence for at least **24 months**.

As part of the application, both new and renewal, the Council will undertake an online DVLA check of the applicant's current status and any endorsements. The Council can request that an additional DVLA check is performed at any point during the lifetime of the licence and failure to provide permission may result in enforcement action.

Consideration of DVLA penalty points and driving offences will be made in accordance with the conviction policy Appendix G.

### **2.4 Disclosure Barring Service**

An enhanced barred list DBS certificate for other workforce, is a mandatory requirement as part of the application for a driver's licence and is used by the Council to ascertain whether or not the person is 'fit and proper' to hold a licence.

All licensed drivers will be required to subscribe to the DBS Update Service renew on an annual basis to continue to hold a driver's licence. Where an individual fails to maintain their subscription before expiry, they will be required to reapply for a new enhanced DBS check and register for the Update Service. Failure to do so will result in suspension of the licence until they have complied.

The Council will undertake an online check of the DBS Update Service for the applicant's current status annually at declaration or as and when required.

In instances where convictions, cautions, reprimands, or warnings appear on a DBS, the cause/motive/mitigating circumstances may not be taken into consideration, however as each application is determined on its own merits, the applicant will be afforded the opportunity to state their case as part of the application.

Any person with criminal convictions, cautions, motoring convictions or other conduct matters are advised to familiarise themselves with the Councils guidelines on relevant convictions and other conduct before deciding whether to commence the application process. In the event of an applicant having convictions that fall within the guidelines the application is unlikely to be successful, although each application is considered on its own merit. The convictions policy is set out in Appendix G.

## **2.5 Overseas Criminal Record Check**

If an applicant has spent three continuous months or more living outside the UK a criminal record check is required from the country/countries involved covering the relevant period. If criminal record checks are not available in individual countries, then a certificate of good character will be required from the relevant embassy. Only approved translations will be considered at your own expense.

## **2.6 Driver Medicals**

As part of the Councils assessment of the 'fit and proper test', licensed drivers are required to be medically fit for the role they are carrying out. Medical fitness is assessed by the Driver and Vehicle Licensing Agency "(DVLA) medical standards of fitness to drive for Group 2 licences".



The medical certificate requires the medical practitioner to state whether, in their opinion, the applicant/licence holder complies with the standards and is medically fit to drive hackney carriages or private hire vehicles.

The frequency of medical examinations is aligned with Group 2 standards, whereby upon initial application a medical examination on the specified D4 form is required, then every 3 years the driver must complete a further medical examination until the age of 65.

When a driver turns 65, a further D4 medical is required annually.

Any licensed driver who fails to produce a satisfactory medical at the appropriate time will be subject to suspension of the licence until the necessary medical certificate is produced.

Similarly, where the Council have any concern regarding a licensed driver's medical status, they will conduct a formal review of the driver's licence to assess whether that person remains 'fit and proper' to hold a driver's licence. This may require the driver to undergo further medical or occupational assessments when deemed necessary.

Where the medical practitioner has stipulated that they do not consider the applicant/licensed driver to be medically fit, in accordance with the Group 2 standards, to drive hackney carriage or private hire vehicles, the Council will refuse the application, and in the case of a licensed driver either suspend or revoke the drivers licence dependent upon the details contained within the medical certification.

Where the medical practitioner has recommended that further monitoring of a particular condition or examinations are undertaken in a certain period, it shall be open to the Council to consider granting a licence for a shorter period commensurate with that recommendation, or to require additional medical certificates to be submitted at more frequent intervals than would otherwise be required.

The cost of the Medical Examination is not included within the licensing fees and is paid directly to the Medical Practice/GP Surgery. [All drivers must use medical practitioners approved by the Council.](#)

## 2.7 Driving Proficiency Test

For licensed drivers to meet the “fit and proper” test the Council requires a new applicant to satisfactorily complete a practical driving skills assessment with an approved training provider. Existing drivers already licensed will not be required to undertake a test unless directed by officers following an accumulation of relevant penalty points or the receipt of complaints.

Details of training providers are detailed on the council’s website [WEBSITE LINK](#). Whilst it is recognised, that all driver applicants are required to hold the relevant DVLA driving licence, this is not necessarily a measure of a person’s current driving skills. The satisfactory completion of a practical driving assessment is required as evidence that an applicant has good practical driving skills, this is seen as a key requirement for both driver and passenger and public safety.

## 2.8 Competency Test and English Language Proficiency

For licensed drivers to meet the ‘fit and proper test’ the Council regard it essential for drivers to produce evidence of their English language competency.

Prior to submitting an application for a drivers licence potential new applicants are required to attend \*\*\*\*\* to complete and successfully achieve \*\*\*\*\* to progress to the next stage.

Existing drivers will not be required to complete an English language test but may be required to undertake an assessment as determined by the Council such as following the receipt of complaints or penalty points.

## 2.9 Tax Conditionality

All drivers of Private Hire or Hackney Carriage Vehicles must meet the Tax Conditionality requirement before a licence can be granted or renewed. All applicants must provide an HRMC tax check code to enable the licence to be granted. [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](#)

Those applicants who are employees of a company will be required to provide a pay slip which will prove they are paid via the PAYE service.

## 2.10 Safeguarding

All new applicants for a Hackney Carriage and Private Hire driver licence will be required to pass a safeguarding course as approved by the Council. This training is to be carried out at the driver's expense and a pass certificate presented to the Council before a licence is issued. [Taxis and private hire - Babergh District Council - Babergh & Mid Suffolk District Councils - Working Together](#)

All existing drivers on renewal will be expected to undertake a refresher training course as approved by the Council. A pass certificate must be presented to the Council within six months of the renewal of their Hackney Carriage and Private Hire licence.

## 2.11 Dress Code

There is no requirement for corporate branding or a uniform to be worn by licensed drivers however the Council consider it important that licensed drivers wear clean, appropriate clothing and maintain a good standard of personal hygiene whilst working as a licensed driver. [A requirement to comply with the dress code is included within the driver licence conditions.](#)

## 2.12 Carriage of Assistance Dogs

It is a legal requirement that drivers of hackney carriage and private hire vehicles permit assistance dogs to be carried in the licensed vehicle without any extra charge. The failure of a licensed driver to carry a passenger because the passenger is accompanied by an assistance dog is an offence.

If a licensed driver has an allergy to dogs, then the licensed driver must obtain a certificate from their medical practitioner, a copy of which should be provided to the Council. Consideration will then be given to granting a certificate of exemption based on medical grounds.

The Council will regard the failure to carry an assistance dog as a serious matter, all drivers are made aware of this requirement during their driver training. Where sufficient evidence of the offence exists, the council will prosecute the driver and review the

driver's licence.

### **2.13 Conditions**

Legislation allows the Council to attach conditions to the grant of a combined Private Hire & Hackney Carriage Drivers licence.

The standard conditions are set out in Appendix A. The Council considers that these conditions are reasonable, necessary and appropriate for all licensed drivers.

### **2.14 Penalty Point Scheme**

The Council's Penalty Point Scheme provides a stepped enforcement process for those licence holders who have contravened licence conditions or associated legal provisions. This scheme does not prejudice the Council's ability to take any other action it is entitled to take under conditions, byelaws or regulations. In relevant cases, where it is considered necessary, an existing licensed driver may also be required to take the Council's knowledge test and/or driving assessment.

Details of the penalty point scheme and the right of appeal against the award of penalty points are set out in Appendix H.

### **2.15 Complaints**

In the interests of public safety, this Council has a duty to ensure that licensed drivers remain 'fit and proper' as well as 'safe and suitable' and will intervene where appropriate. Complaints made to this Council are investigated, recorded, and monitored and enforcement action may be taken as appropriate and necessary.

Similarly, the accumulation of several complaints could highlight that there is cause for concern. Each case will be considered on its individual merits. The licensee may be asked to attend the Council offices for interview to determine an appropriate course of action.

### **2.16 Surrender of Drivers badge**

The Council will only accept a surrender of a Private Hire and Hackney Carriage Driver licence in exceptional circumstances, and not where the licence holder is subject to

current investigation and/or legal proceedings.

The surrender of such licences negates the notification of any criminal conduct matters and allows an individual to correctly state that a licence has not been revoked or suspended.

DRAFT NOT FOR CONSULTATION

Babergh & Mid Suffolk Hackney and Private Hire vehicle policy draft 2024

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### **3 HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES**

#### **3.1 General**

The main difference between Hackney Carriage and Private Hire vehicles is that a Hackney Carriage can be hailed in a public street or hired from a taxi rank.

Private Hire vehicles must be pre-booked in advance through a licensed Private Hire Operator; they cannot stand or ply for hire. Should a Private Hire licensed driver accept a fare which has not been prebooked through an Operator they are committing an offence and will be subject to relevant enforcement action by this Council.

Anyone being conveyed in a Private Hire vehicle which has not been prebooked may not be covered by the driver's insurance.

Once a vehicle is licensed as either a Private Hire vehicle or a Hackney Carriage vehicle it always remains a licensed vehicle until that licence is suspended, revoked or expires. This means that these vehicles must not be driven by anyone other than a Babergh District Council Private Hire/Hackney Carriage Driver even when the vehicle is considered 'off duty'. Any insurance policy which provides insurance for a licensed vehicle may become void if the vehicle is driven by an unlicensed driver.

The Council will not grant a Hackney Carriage or Private Hire Vehicle Licence for any vehicle that is already licensed by another authority.

Vehicles which accommodate more than 8 passengers cannot be licensed as a Hackney Carriage or Private Hire vehicle.

Local Licensing Authorities have a wide range of discretion over the types of vehicles that can be licensed as Hackney Carriage and Private Hire vehicle.

For Hackney carriages the legislation requires that the vehicle be of such design, appearance or have distinguishing marks so that they are clearly identifiable as a hackney carriage.

For private hire vehicles the legislation requires that the vehicle be suitable in type, size and design, not of such a design that a person could believe it is a hackney carriage, be in suitable mechanical condition, safe, comfortable and that the vehicle is suitably insured.

The Council has set conditions applicable to the vehicle requirements, internal and external specifications, for both Hackney Carriage vehicles and Private Hire vehicles it will license. See Appendix B for Hackney Carriage and Appendix C for Private Hire.

There is a separate set of conditions applicable for Limousine and specialty vehicles, licensed as private hire vehicles, which can be found in Appendix D.

The Council has set these conditions as the minimum standards to ensure that the public travel in safe, comfortable and roadworthy vehicles. All vehicles must also conform to the type of approval and construction and use regulations.

Whilst each application will be determined on its own merits, it is unlikely that the Council would license a vehicle which did not meet the licensing standards and specifications. Where an application is refused, a right of appeal exists. This is to the Magistrates Court if the application was for a private hire proprietors' licence, and to the Crown Court if the application was for a hackney carriage proprietors' licence.

### **3.2 Suitability of Applicants**

As with driver and operator licensing requirements, the objective of vehicle licensing is to protect public safety. The legislation does not include a "fit and proper" test for holders of vehicle licences but does require that vehicles are safe.

Safety does not just apply to the mechanical safety and comfort of the actual vehicle but also to the proprietor of the vehicle.

Where an applicant for a hackney carriage or private hire vehicle licence is not the holder of a Babergh Private Hire and Hackney Carriage drivers' licence, or a private hire operators' licence, they will be subject to a Basic DBS disclosure and required to complete a statutory declaration.

Where an applicant for a vehicle licence is a company or partnership, each director or partners will be required to comply with the requirements of the Basic DBS disclosure.

Safeguarding training is also compulsory for all drivers and operators.

The Council will only issue vehicle licences to persons it considers safe and suitable to hold such licences, as such they will have regard to the conduct of the licence holder, not only does this include criminal or motoring offences but also includes the licence holder's ability to satisfy the Council that they can ensure that the vehicle will be properly maintained in good condition at all times.

The failure of a licence holder to properly maintain the vehicle in a suitable condition will result in the suspension of the vehicle licence and impact on future licence applications. Similarly, the failure of a vehicle licence holder to comply with the conditions attached to the grant of the licence or insurance requirements will be a relevant consideration in future applications.

### **3.3 Appearance**

Vehicles must be safe, comfortable, the passenger compartments must be clean and dry including upholstery, without rips or tears or sharp protrusions. Proprietors, drivers and operators must ensure that the vehicles they utilise meet the expectations of this Council and the travelling public.

The exterior of the vehicle must be reasonably clean to ensure that passengers can board and alight the vehicle without getting dirty. Drivers are also reminded to ensure that the licence plate, registration plate and all other identifying features remain clean and visible.

Any vehicle which has suffered damage that materially affects the safety, performance, appearance, or the comfort of the passenger must not be used for private or public hire and reward purposes, until the vehicle has been suitably repaired.

### **3.4 Emissions Standards**

With effect from January 2027, the Council will only issue a new vehicle licence in respect of petrol, hybrid or diesel vehicles which are Euro 6 compliant or zero emission vehicles. It is recognised, that this is a significant change to the previous policy hence the 2-year lead in time.

Government legislation now states that 80% of new cars and 70% of new vans sold in Great Britain will be zero emission by 2030. The government legislation for all new vehicles to have



zero emissions target is 100% by 2035. This Policy is due for a review in 2028/29 for implementation in 2029 therefore this requirement will be reviewed at that time in line with these targets and whether they are appropriate for maintaining taxi services in the Council area based on key factors such as affordability and infrastructure.

[Pathway for zero emission vehicle transition by 2035 becomes law – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/pathway-for-zero-emission-vehicle-transition-by-2035-becomes-law)

### 3.5 CCTV

CCTV in licensing vehicles is not currently a mandatory requirement.

The use of CCTV can provide a safer environment for the benefit of hackney carriage and private hire passengers and drivers by:

- Deterring and preventing the occurrence of a crime
- Reducing the fear of crime
- Assisting the police in investigating incidents of crime
- Assisting insurance companies in investigating motor vehicle accidents
- Assisting the Council in investigating complaints and allegations

Suitable internal and external equipment, capable of recording both audio and video, may be installed, subject to the written approval of the Council, in all licensed vehicles. If fitted, the system must comply with the Information Commissioners Officer Code (ICO code) and General Data Protection Regulation requirements.

### 3.6 Insurance

It is the responsibility of proprietors, operators and drivers to ensure that they are always properly insured. The Council will require a valid certificate of insurance confirming that insurance is in place for each driver of the vehicle and specify the use as either public hire (hackney carriage) or private hire vehicle insurance.

Hackney carriage vehicle insurance documentation will need to state that the insurance covers public hire and reward. Private hire vehicle insurance documentation will need to state that the insurance covers hire and reward.

Insurance provided by operators to cover their fleet and drivers is usually only valid when drivers are driving for that company. If drivers work for multiple operators, all parties must ensure that appropriate and valid insurance is in place to avoid criminal offence. It is the responsibility of the driver to inform and supply this Licensing Authority with proof of valid insurance for each operator that they work for.

The vehicle proprietor and the driver must ensure that valid insurance is always maintained. It is considered best practice for proprietors and or drivers to keep copies of expired insurance policies for a reasonable period in case of any retrospective claims i.e. 3 months minimum. An original insurance certificate must be provided with an application, or if an electronic version, it must be supplied by the insurance company.

Applications for a new or renewal of a vehicle licence will require submission of proof of valid insurance which covers the vehicle and driver for hackney carriage or private hire reward purposes.

The Local Government (Miscellaneous Provisions) Act 1976 section 50 allows for authorised officers of the Council to require a vehicle licence holder to produce insurance documents on request. Such requests may be made on site or in writing. Officers will normally give a period of several days for the documents to be produced, but any documents produced must cover the period requested by the officer.

Failure to comply with such a request without a reasonable excuse is an offence for which a vehicle licence holder may be prosecuted. In addition, action will be taken to immediately suspend/ revoke the vehicle licence.

### **3.7 Smoking**

All licensed vehicles must comply with the requirements of the Health Act 2006 and display 'No Smoking' signs. Drivers are reminded that it is against the law to smoke or allow someone to smoke in a licensed vehicle at any time. For the avoidance of doubt, this Council also forbids the smoking of electronic cigarettes and vaping, whether by the driver or passengers. Fixed penalty notices will be issued on drivers that allow smoking within their vehicle or are witnessed smoking themselves.

### **3.8 Advertising**

The Council will permit advertising on a licensed vehicle under the following circumstances:

- Written permission must be obtained from the Council for any sign or advertisement before displayed on a licensed vehicle.
- No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.
- Any commercial advertising must be restricted to local businesses (within the district) and shall only be permitted on the rear side passenger doors only.
- All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Council reserves the right to require the licensee to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
- No advertisement will be permitted that relates to or advertises alcohol, take-aways/fast-food, nudity, gambling, smoking materials, or others of a political nature.
- A single product/service may be advertised at any one time.

The Council reserves the right to request removal of any advertisement at any time.

### **3.9 Safety Screens**

Prior to installing internal safety screens within the vehicle, the vehicle proprietor must obtain consent from the Council.

Once permission has been granted, safety screens must be compliant with the Government guidance and legislation [Safety screens for taxis and PHVs – GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/safety-screens-for-taxis-and-phvs)

The Council accepts no liability in circumstances where the screen causes an injury to a passenger or driver.

### **3.10 Vehicle Testing and Inspections**

Before a licence can be issued the vehicle must pass a compliance test at a Council approved garage. Vehicle testing will be undertaken at frequencies depending on the age of the vehicle. [For vehicles over 5 years of age from the date of first registration to the date the licence application is received will be required to be tested at 6 monthly intervals.](#)

Vehicles will also be subject to inspections by authorised officers. Failure to attend an appointment for an inspection may result in the suspension of the vehicle licence.

### **3.11 Accidents**

Proprietors and drivers of licensed vehicles must inform the Council as soon as possible and in any event within **72 hours**, or any accident that causes damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. Failure to report an accident may result in penalty points, suspension or revocation of both vehicle and driver licenses.

The driver Involved In the accident must provide details of how, where and when the accident occurred. The damage to the vehicle may be required to be assessed by a Council approved garage or by an officer on request. If it is felt necessary, a vehicle suspension will be issued.

### **3.12 Hackney Carriage Fares and Taxi meters**

Local Authorities can choose to set hackney carriage fares. This Council, like most other local authorities, do this using the provisions of the Local Government Miscellaneous Provisions) Act 1976. The Act details the process which must be followed in terms of consultations and changes to hackney carriage fares. Hackney carriage fares include all charges associated with the hire of the vehicle. For example, flag fall, (initial start-up fare), rate per distance travelled, soiling charges, waiting charges etc. The fares are published in a table of fares displayed in the hackney carriage vehicle. The table of fares also indicates the different tariffs applicable for day/ night, some holiday periods.

All hackney carriages licensed by this Council are required to have a working taximeter fitted in the vehicle. Some private hire vehicles are also fitted with a taximeter. Where a taximeter is fitted, it must not be set at a higher fare than the current maximum fare as agreed by this Council. The taximeter must be sealed by an authorised person.

The fare demanded cannot be more than that shown on the taximeters. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged.

It should be noted that the table of hackney fares set by the Council are maximum fares that can be charged for local journeys.

For journeys that begin or end outside of the Council boundaries a fare can be agreed in advance of the journey (this may be higher than the table of fares due to the likelihood of the vehicle having to undertake a return journey without any passengers – commonly known as avoid), if no fare has been agreed in advance, then the fare shown on the taximeter must be charged.

Hackney Carriage fares will be reviewed on an annual basis.

### **3.13 Private Hire Fares and Charges**

Private hire fares and charges are not set by the Council, but by the private hire operators who take the bookings and dispatch the private hire vehicles/drivers. Each private hire operator has their own tariff which may be different or identical to the hackney carriage tariff.

Where a hackney carriage vehicle/driver fulfils a private hire booking, they cannot charge more than the metered fare unless the out of area provisions referred to above apply.

### **3.14 Accessibility**

The Council aims to provide an accessible public transport system where people with disabilities have the same opportunities to travel as other members of society. The Council expects that proprietors, drivers and operators give full consideration to ensure they provide a service to all members of society without discrimination. The Council will keep a register of all wheelchair accessible vehicles (WAV).

The Council is committed to social inclusion and ensuring a wide variety of opportunity is available to all residents to enjoy a high quality of life. It is recognised that making door to door journeys easily and on-demand is crucial to social inclusion for all members of society.

The Equality Act 2010 places certain duties on licensed drivers to provide assistance to people in wheelchairs and to carry them safely. There are similar requirements for drivers in relation to the treatment of passengers with an assistance dog. Neither drivers nor operators

of licensed vehicles can make any extra charge or refuse to carry such passengers. It is a criminal offence to breach any of these requirements.

Licensed drivers who are unable to carry out the duties imposed upon them under the Equality Act 2010 may apply to the Council for an exemption certificate from those duties. This Council must issue an exemption certificate to that licensed driver if they are satisfied that it is appropriate to do so on medical or physical grounds. Even if a medical ground or other physical condition exists, a driver has no defence against the offence of failing to provide assistance to people in wheelchairs contrary to s165 Equality Act, if they have not been issued an exemption certificate.

This Council encourages all Private Hire operators to include wheelchair accessible vehicles amongst their fleet and to ensure that no additional costs are levied by them or their drivers, for conveying disabled passengers or assistance dogs.

It is important that vehicle drivers, proprietors and operators ensure that licensed drivers carry all passengers in safety and comfort. Drivers must be appropriately trained in the use of relevant belts and other restraint locking mechanisms to ensure the safety of their passengers. It is the driver's responsibility to ensure that they understand fully how to use the equipment and then do so.

The Council takes all complaints of discrimination seriously and will have due regard to its duty to eliminate discrimination, along with the provisions of the Equality Act 2010, when considering the fitness of an individual to hold a Hackney Carriage or Private Hire licence (driver, vehicle or operator).

### **3.15 Executive Hire**

The Local Government (Miscellaneous Provisions) Act 1976 S75 provides an exemption for licensed private hire vehicles from displaying plates, and signage. The Council will consider requests for this exemption from private hire vehicles used exclusively for the purposes of executive hire. There is no legal definition of "executive hire", but the Council will generally consider the following when determining any requests for exemptions from displaying plates/ signage:

- The majority of the work should be for businesses which maintain an account with the private hire operator.

- The vehicle may be used for one or more contracts, but these would be booked on account with payment made by invoice or card payments.
- The type of vehicle to which the application relates should reflect the executive hire status, i.e. a high value luxury vehicle.

If an exemption notice is granted it would apply to the duration of the licence. The plates must be displayed if the vehicle is used for any standard private hire work. Failure to comply with the requirements above or the conditions attached to the grant of the private hire licence will result in the exemption being withdrawn and or the licence being revoked.

### **3.16 Specialty Vehicles and Limousines**

Limousine and novelty vehicles are generally used for special occasions such as anniversaries, stag and hen parties, prom nights, etc. and may be specialist, or stretched vehicles.

Limousine and novelty vehicles used for the purpose of hire and reward are required to be licensed as Private Hire vehicles, with a seating capacity for 8 passengers or fewer, and all bookings must be made via a licensed operator.

In addition to the standard conditions, the Council has set conditions for these specialist types of vehicles. Where there is any inconsistency between the standard conditions and these specialist conditions, then these specialist conditions will prevail. The conditions can be found in Appendix D.

The Council strongly recommends that anyone wishing to purchase and licence a novelty vehicle or limousine contacts the licensing team prior to purchase, to ensure that the vehicle will meet the conditions applied. Each application will be determined on its own merits.

Proprietors of prestige type vehicles licensed as Private Hire vehicles or Private Hire vehicles used in special circumstances may seek the permission of this Council to waive the conditions of their licence relating to the display of licence plates and signage.

### **3.17 Horse Drawn**

Non motorised vehicles can only be issued with hackney carriage licences and cannot be licensed for private hire due to the fact that a private hire vehicle is defined as a 'motor

vehicle'. The grant of a licence to drive a horse drawn carriage as a hackney carriage shall entitle the holder to drive a hackney carriage of the type specified on the licence, a horse drawn carriage. It will not entitle the holder to drive any other type of hackney carriage or private hire.

### **3.18 Tuk-Tuks and Pedicabs**

Tuk-tuks are three-wheeled motorised versions of traditional rickshaws. They are usually powered by a motorcycle engine, have handlebars rather than a steering wheel and are commonly used as a method of transport in countries such as India, Thailand and Pakistan.

Pedicabs are small three wheeled vehicles with a seat, pedals, and handlebars for the operator and usually a hooded cab for passengers.

Tuk-tuks and Pedicabs do not currently meet the vehicle specifications for Private Hire or Hackney Carriage vehicles, therefore any request for licensing such vehicles will be determined by Licensing Regulatory Committee on a case-by-case basis.



## 4 PRIVATE HIRE OPERATORS

### 4.1 General

The legislation requires that any person, who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle, must be licensed as a private hire operator.

Any individual, partnership, company or other body that advertises the services of a private hire vehicle, provided with a driver, for hire and reward, is required to be licensed as an operator.

The acceptance of bookings may be provided for by a variety of methods, such as in person, by telephone, text, email, internet, smart phone app, in writing, or by any other communication means.

All work undertaken by private hire vehicles and drivers must be pre-booked via a licensed operator. All three licences (private hire vehicle, private hire driver and operator) must be issued by the same local authority. This is known as the 'three licence rule'.

This does not however prevent a licensed private hire operator sub-contracting a booking to a private hire operator licensed with another authority. However, the operator who accepted the initial booking remains responsible for that booking. Operators who fail to ensure that the drivers and vehicles they use have valid licences may be subject to enforcement action as deemed appropriate by this Council.

### 4.2 Fit and Proper Test

Legislation requires that private hire operators are "Fit and proper" but does not provide a definition as to what constitutes fit and proper. However, the Institute of Licensing suggest the following:

**"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"**

The Council's guidelines on the relevance of convictions and other conduct at Appendix G, outlines the matters that will be considered together with relevant conduct issues that will be considered when determining whether a person is "fit and proper" but again does not provide a definitive definition of the term.

There is no medical assessment required as part of private hire operator fit and proper considerations. Relevant financial conduct and previous business status may be a relevant consideration.

#### **4.3 Criminality Checks for Private Hire Operators**

Where an applicant for a Private Hire Operators Licence is not the holder of a Babergh Council hackney carriage/private hire drivers' licence, they will be subject to a Basic DBS disclosure and required to complete a statutory declaration.

Once a private hire operator licence has been issued then an operator will be required to provide the Council with an annual DBS basic disclosure, this requirement will be enforced via a condition placed upon the grant of the private hire operator licence.

Where the applicant/private hire operator is a company or partnership each director/partner will be required to comply with the requirements of the basic disclosure described in the paragraphs above.

Where an applicant has spent 3 continuous months or more outside of the UK, the Council will request evidence of a criminal record check from the country or countries where the applicant has spent at least 3 months. If criminal record checks are not available in individual countries, then a certificate of good character will be required from the relevant embassy. Only approved translations will be considered, and the cost of approved translations will be the applicant's responsibility.

Asylum seekers who hold a Home Office issued application registration document together with a positive verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK will be exempt from the requirement to submit a recent Certificate of Good Character. The Council will require any Certificate of Good Character that the applicant may have regardless of the age of the document.

The above requirement will not be enforced in respect of any operator who currently holds a Babergh hackney carriage/private hire drivers' licence. The reason for this is that all hackney carriage/private hire drivers are subject to 6 monthly DBS checks via the DBS update service, and these are undertaken at an enhanced level.

#### 4.4 Tax Conditionality

All private hire operators must meet the Tax Conditionality requirement before a licence can be granted or renewed. All applicants must provide an HRMC tax check code to enable the licence to be granted. [Complete a tax check for a taxi, private hire or scrap metal licence – GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Those applicants who are employees of a company will be required to provide a pay slip which will prove they are paid via the PAYE service.

#### 4.5 Safeguarding

Safety, security and welfare apply to the public, passengers and licensed drivers. Proprietors and operators must consider these factors when determining what safeguarding measures should be in place.

All new applicants for Private Hire Operator licences will be required to pass a safeguarding course as approved by this Council. There is no limit to the number of attempts to complete the test, to be borne at the applicant's own expense, however no licence will be issued until a certificate is produced.

All existing licensed non-driver operators will be required to pass a safeguarding course as approved by this Council, which must be produced within 1 calendar year of adoption of this policy or on renewal whichever is sooner. Failure to do so may result in suspension of the licence until successful completion of the test.

Refresher training will be required on a five-yearly basis at the operator's expense.

#### 4.6 Private Hire Operator Licensing Conditions

Legislation allows the Council to attach “reasonably necessary” conditions to the grant of a private hire operator’s licence. The Council has a set of standard licence conditions that are attached to the grant of private hire operator licences see Appendix F.

The Council will include additional specific licence conditions on the grant of a licence where it considers it reasonably necessary to do so.

#### **4.7 Insurance**

Operators must ensure they have all the correct insurance in place for vehicles and drivers they use.

Those who provide a waiting area for clients must provide evidence that they have valid public liability insurance.

#### **4.8 Record keeping**

The Local Government (Miscellaneous Provisions) Act 1976 section 56 requires operators to keep a record of bookings and records relating to each and every vehicle operated by the operator. The contents of recording these records are detailed in the conditions attached to the operator’s licence.

Records of bookings must be made before the commencement of the journey. All such records must be made available to an authorised officer for inspection.

More recently it has been recognised how safeguarding measures can assist in the protection of public safety, as such the Council considers it reasonably necessary for documentation and other records to be kept enhancing public safety measures.

#### **4.9 Cross Border Hiring**

The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross-border hiring.

The legislation permits cross-border hiring for bookings across other authorities and this Licensing Authority has no jurisdiction over these private hire contracts.

#### **4.10 Sub-Contracting**

Section 55a of the Local Government (Miscellaneous Provisions) Act 1976, inserted by the Deregulation Act 2015, permits Operators licensed by this Council to sub-contract a private hire booking to another operator licensed by this Council or to any other licensed private hire operator holding a private hire licence granted by another Council.

Regardless of which operator fulfils a booking, the operator can only dispatch a vehicle licensed by the same Council that licenses the operator and driven by a driver licensed by that same Council.

Operators that accept an initial booking remain legally responsible for that booking even if they sub-contract the booking to another Operator and should record the booking as usual and note the fact that it was sub-contracted.

#### **4.11 Approval of Private Hire Company Name**

It is important that the name of the private hire operator is easily identifiable to the customer. Operator names which are similar may cause confusion to customers, and as such operator names similar to names already in use will not be granted.

No private hire operator will be allowed to use the word 'taxi' or 'cab' in the company name or any other marketing material.

Where a private hire operator licence has been revoked, the name (or similar) of that private hire operator associated with the revoked licence cannot be used by another operator until 5 years have elapsed since the date of revocation or in the event of any appeals 5 years from the conclusion of the appeal process. The reason for this is to prevent any perception of association.

#### **4.12 Suitability of Premises**

When considering an application for a new operator's licence, consideration will be given to the location, the vicinity, facilities, and parking arrangements.

Applicants should ensure that they obtain any necessary planning consent relating to the use of the premises in connection with the operation of the business. Where planning permission is required, operators must comply with any condition attached to such permission. Whilst any breach of planning legislation will be enforced by the planning department, it may also be used in consideration of an operator's 'fit and proper' status.

There is no provision within the legislation to transfer an operator's licence. If an existing operator sells or otherwise transfers their business (whether or not including any assets) to another person, partnership or limited company, the new person must make a new application for a private hire operator's licence. They will be subject to the 'fit and proper' test and be assessed by this Council for suitability, must demonstrate their right to remain and work in the UK and any new premises must be within this district.

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## 5 COMPLIANCE AND ENFORCEMENT

### 5.1 Enforcement Policy

The Licensing service administers a wide range of licences and permits which may be mandatory, where the local authority must license particular activities, or adoptive where the Council has elected to control certain businesses, activities or individuals through the issue of licences and the imposition of licence conditions.

The main purpose of licensing enforcement is to:

- Secure the health, safety and welfare of members of the public who either make use of the licensed activity or who are affected by it in some way.
- Deal immediately with serious risks.
- Promote and achieve sustained compliance with the law.

The Enforcement Policy is available to view on the Councils website. The purpose of the document is to set out the general principles that the Council's Licensing Service will apply when undertaking licensing enforcement work. ([babergh-and-mid-suffolk-district-councils-joint-corporate-enforcement-policy-following-light-touch-review-2020-b](#))

### 5.2 Statutory Framework

The main legislative requirements dealing with specific hackney carriage and private hire licensing standards can be found in the following legislation:

- Local Government (Miscellaneous Provisions) Act 1976
- Town and Police Clauses Act 1847 and 1889
- Deregulation Act 2015
- Transport Act 1985 & 2000

Other legislation provides a general framework of standards which cover many areas of life but impact on hackney carriage and private hire licensing examples include:

- Health Act 2006
- Equality Act 2010
- Human Rights Act 1998
- Rehabilitation of Offenders Act 1974

### **5.3 Complaints about hackney carriage and private hire**

The Council investigates complaints relating to the conduct of a licence holder and non-licence holder (for example allegations of unlicensed drivers). It is standard practice for officers to request that complaints are received in writing (email will suffice), this ensures that officers know the exact details of the complaint.

Where the complaint relates to a serious public safety matter this will be treated as an urgent matter for immediate investigation.

Similarly requests for information from partner agencies including the police and other authorities will be dealt with as a priority having regard to relevant data protection requirements.

Complainants are asked to provide their contact details so that they can be given relevant information following the investigation of a complaint.

Anonymous complaints will generally not be treated as seriously as other complaints. It is recognised that complaints can be malicious, however it is also recognised that complainants can be genuinely frightened and vulnerable. Anonymous complaints in respect of serious public safety allegations will be thoroughly investigated. Anonymous complaints about less serious matters such as minor overcharging, inconsiderate parking, use of a radio in a vehicle etc. are likely to be dealt with by noting the allegation.

The Council does not have a target resolution time for complaints, this is in recognition of the wide variety of investigations that may be necessary. However, the Council does have a target response time of confirming receipt of the complaint within 5 days of receipt.

Complaints will be recorded on the Councils data base and will be subject to trends analysis on an ongoing basis in respect of individual licence holders.

There are a wide variety of actions that can arise from the investigation of complaints which include:



- No action
- Verbal advice given
- Written advice/ warning issued
- Penalty points
- Suspension/ revocation of licence
- Simple cautions
- Prosecutions
- Formal review of a licence which could result in any of the above

Where there are a number of complaints against a licence holder, this is likely to compound concerns regarding the licence holder's suitability to maintain the licence and action will be taken accordingly.

Where appropriate, information concerning the investigation and outcome of complaints may be shared with other agencies including the police and the National Refusals register of taxi drivers (NR3).

#### **5.4 Refusal to grant a licence.**

The legislative framework for refusal of drivers, vehicles and operators' licences is contained within the Local Government (Miscellaneous Provisions) Act 1976. Applicants will always be informed in writing of the reasons why an application has been refused and their right of appeal against the decision.

Where an applicant is refused a licence, they do have a right of appeal, generally this is to the Magistrates Court, the only exception being the refusal to grant a hackney carriage vehicle licence which is an appeal direct to Crown Court.

The Council will keep a record of all licence applications refused and the reasons for the refusal. This information will be shared if requested in accordance with relevant data protection requirements. The refusal to grant a licence will be recorded on the NR3.

#### **5.5 Suspension or revocation of licenses**

The Local Government (Miscellaneous Provisions) Act 1976 provides provisions for suspending and revoking driver, vehicle and operator licences where it is appropriate to do so.

The difference between the suspension and revocation of a licence is that in general terms a suspension of a licence is for a finite period, for example:

- suspend a driver's licence until a satisfactory medical certificate has been produced
- suspend a driver's licence until a particular training course has been completed
- suspend a vehicle licence until a satisfactory certificate of insurance has been produced

A revocation, however, is a total loss of a licence, once revoked a licence cannot be reinstated, other than via an appeal process. A person can make a new application for a licence.

Case law has defined that suspension /revocation cannot be a two-stage process, if action is required to take away a licence it must be a suspension or a revocation of a licence it cannot be one followed by the other (for reference the relevant case law is Cardiff v Singh 2012).

The Council will keep a record of all suspended and revoked licences and the reasons for the actions taken, this information will be shared if requested in accordance with relevant data protection requirements. The suspension or revocation of a licence will be recorded on the NR3.

## **5.6 Prosecutions of licence holders and non licence holders**

Where a licence holder has committed an offence listed in Appendix G, the Council must make a decision in respect of what action should be taken against the licence holder.

The Council will have regard to the Council's Enforcement policy detailed above.

There are a number of factors that will be taken into consideration before any decision is made. These factors include:

- Is there enough evidence to prosecute?
- Is it in the public interest to prosecute?

- How serious/ potentially serious is the offence?
- Has the person benefitted from the offence?
- Is there any relevant previous history?
- Is the offence likely to be repeated?
- Was the person coerced in any way?
- Has there been any harm caused?
- Is there a potential for impact on the wider community?
- Is prosecution a proportionate response?

There are a limited number of circumstances where prosecutions will be instigated against non licence holders, primarily these will relate to persons working within the licensed trade but without having the relevant licence in place, for example, persons working on expired licences, unlicensed drivers purporting to be licensed drivers.

## 5.7 Appeals

The principles of the rules of natural justice lead to the position that someone has the right to challenge decisions. In terms of hackney and private hire licensing there is a right of appeal to the Magistrates' court against decisions to revoke, refuse or suspend a licence and against any decisions imposed upon the grant of a licence. Appeals to Magistrates' court must be made within 21 days of receipt of the decision.

In most circumstances once an appeal has been lodged a person may continue to utilise the licence until the appeal process has been heard or withdrawn, although clearly this does not apply to new applicants.

There are some exceptions to the above:

- There is no immediate right of appeal against a Councils decision to immediately suspend a vehicle licence issued under section 68 of the Local Government (Miscellaneous Provisions) Act 1976. The action takes immediate effect, however if the suspension has not been lifted within a 2-month period a right of appeal is then applied.
- In relation to a decision to refuse to grant a hackney carriage vehicle licence the appeal is direct to the Crown Court.

- A hackney carriage/ private hire drivers licence revoked or suspended with immediate effect on the grounds of public safety, prevents the licence holder from continuing to use the licence, even when an appeal has been lodged.
- In most cases there is a further right of appeal from the Magistrates Court to the Crown Court

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## APPENDIX A – DRIVER STANDARDS AND CONDITIONS

The Council issues a dual 3-year hackney carriage/private hire driver's licence; on occasions a shorter duration licence may be issued in specific circumstances, for example where the licence holders leave to remain in the UK is time limited.

Any requirements of legislation which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.

These conditions should be read in conjunction with the Council's Policy documents and in particular, the Penalty Points Scheme and Convictions Policy.

Applications for the grant or renewal of a licence must be made, and will be determined, in accordance with the relevant process and procedures set out in the Policy and appendices.

**If you fail to comply with any of these conditions enforcement action will be taken which may result in points being awarded on your hackney carriage/private hire driver's licence and in certain circumstances this may result in the suspension or revocation of your licence.**

### Pre-Licensing Standards

Before a driver's licence is granted or renewed the applicant must:

- Held a full UK Driving and Vehicle Licence Agency (DVLA) driving licence for at least 24 months. You must supply your licence with the application.
- Be the subject of a recent (no older than six months) licence check with the DVLA.
- Complete the application form and supply the required fee and documentation to support your application including evidence that you may legally work in the UK.

Please note – If circumstances come to light during the lifetime of the licence that you no longer have a right to work in the UK, the licence will be revoked.

Be vetted by the Disclosure and Barring Service (DBS) as part of the application process. You are required to register with the DBS update service and provide the Licensing team

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with a code to allow the team to carry out checks. [Failure to do so will result in suspension of the licence until they have complied.](#)

Please note – Applicants for hackney carriage/private hire drivers' licences are exempt from the provisions of the Rehabilitation of Offenders Act 1974. Therefore, you must disclose all previous cautions and convictions whether they are “spent” or not. You should have regard to the Council’s Convictions Policy. Any conviction or caution that is relevant to the determination of whether you are a fit and proper person to hold a licence will be taken into consideration when determining the application.

- If you have spent three continuous months or more living outside the UK a criminal record check is required from the country/countries involved covering the relevant period. If criminal record checks are not available in individual countries, then a certificate of good character will be required from the relevant embassy. Only approved translations will be considered at your own expense.
- [Have completed and passed, at your own expense, an independent medical examination to determine whether you meet the criteria set out in the ‘Medical Aspects of Fitness to Drive’ Group 2 standard and been found to be medically fit to hold a licence. Exceptional arrangements may be made if you have insulin treated diabetes and are able to meet a series of medical criteria. The medical must be supplied to the Council before a licence can be granted and is required on initial application for a licence and then every 3 years to the age of 65 when a medical will then be required annually irrespective of your renewal date. The medical assessment must be no older than three months at the time of submission with the relevant application. This examination must be carried out at the Surgery with whom you are registered or by a Council approved medical examiner and will be at your expense.](#)
- Provide an HMRC tax check code to confirm you are registered as self-employed. If you are employees of a Private Hire Operator, you will be required to provide a pay slip which proves you are paid via the PAYE service.
- Be found to be a fit and proper person to hold a hackney carriage /private hire driver’s licence by the Council having regard to its Hackney Carriage/Private Hire Licensing Policy, its relevant appendices.

- Have completed and passed a hackney carriage/private hire driver assessment test with a Council approved driving assessor. This assessment is to be completed at your own expense.
- If you will be driving fully adapted disabled access vehicle, have undertaken a Passenger Assisted Transport training course at your own expense; the certificate must be produced to the Council.
- Have undertaken the Council's Mandatory Safeguarding Training.
- Have passed the Council's English test and supplied proof of having done so to the Council.
- Have passed the Council's knowledge test.

Please note – The knowledge test comprises questions picked at random from the Council's driver and vehicle conditions, place locations, shortest routes between two points, the Highway Code, tourism and basic arithmetic. The test paper will be marked immediately, and you will be advised of the outcome; the Adjudicators decision is final, and no discussion of individual questions will be entered into. If you don't pass the test, you will be permitted two further attempts at a minimum of fortnightly intervals when a further fee per test will be payable; these re-tests must be completed within three months of the initial application being made/test being taken. A different question paper will be selected for each test re-sit. Failure to pass the knowledge tests after 3 attempts will deem the applicant unsuccessful.

If you re-apply after failing 3 knowledge tests you will be treated as a new driver and will be required to undertake all the tests and other requirements applicable to a new driver.

- Declare if you have previously held a hackney carriage and/or private hire drivers' licence whether with this Council or another Council.

**Please note – As an existing driver, if you allow your licence to lapse you will be treated as a new driver and will be required to undertake all the tests and other requirements applicable to a new driver. It is your responsibility to ensure that you have booked the necessary appointments and have the necessary paperwork to enable you to complete the renewal process before the expiry date of your existing licence.**

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## Driver Conditions

As a holder of a Hackney Carriage/Private Hire drivers' licence (hereinafter referred to as 'driver's licence) you must comply with the following conditions:

### A – Licensing Administration

- A1:** Present your driver's licence to the proprietor/operator at the beginning of your employment and immediately after any renewal of the licence.
- A2:** On the request of an authorised officer of the Council or a Police Officer, you must produce your badge for inspection.
- A3:** At all times when working, you must wear your driver's badge in a position where it can be seen.
- A4:** You must not allow your driver's badge to be used by any other person or cause or permit any other person to wear it.
- A5:** Within 7 days of a change of address notify the Council in writing of the change of address.
- A6:** Within 2 working days of a request being made, provide the Council with a DVLA check code to enable a check of your DVLA licence to be undertaken.
- A7:** Within 72 hours, report to the Council any form of road traffic accident/collision/incident in which you were the driver of a vehicle involved in the incident.
- A8:** Undertake any reasonable training appropriate to the role of a licensed driver as required by the Council. Any costs associated with the provision of the training will be borne by the driver.
- A9:** Ensure that relevant documentation (including DBS update status, medical certificate and right to work documentation) is maintained throughout the duration of the licence.



**A10:** Within 7 days of a change of private hire operator notify the Council in writing of the name the new private hire operator.

**A11:** Your licence and badge remains the property of the Authority at all times. They must be returned forthwith if your employment as a licensed driver ceases, or if the licence expires and is not renewed, or where the licence is suspended or revoked.

**A12:** If your immigration status changes, for example your permission to stay in the UK has been curtailed, you have been served a deportation notice or have been convicted of an immigration offence, you must return your licence and badge to the Council within 7 days.

## **B – Convictions and Suitability**

**B1:** Within 48 hours notify the Council in writing providing full details of any conviction, caution, motoring offence, disqualification, fixed penalty notice, charge, or arrest for any matter (whether charged or not) imposed on you during the course of the licence.

**B2:** Make an application and pay for a further DBS check, if required to do so by the Council in order that it may fully investigate any complaints or matters in which you are involved.

## **C – Medicals**

**C1:** Up to the age of 65 you must undergo a medical examination to DVLA Group 2 standard every 3 years, to assess your fitness to drive. The certificate of examination must be submitted to the Council. The medical assessment must be no older than three months at the time of submission with the relevant application. This examination must be carried out at the Surgery with whom you are registered or by a Council approved medical examiner and will be at your expense.

**C2:** If you are suffering from a known and notifiable medical disorder or are over the age of 65, you will be required to undergo a medical examination to Group 2 standard annually. The certificate of examination must be submitted to the Council. The medical assessment must be no older than three months at the time of submission with the relevant application. This examination must be carried out at the Surgery with whom you are registered or by a Council approved medical examiner and will be at your expense.

**C3:** At any time (or at such intervals as the Council may require) produce a current certificate in the form prescribed by the Council signed by an appropriate Doctor/Consultant who has access to your full medical records to the effect that you continue to be fit to drive.

**C4:** Within 48 hours notify the Council of any deterioration in their health, newly diagnosed or change to a current medical condition which may affect their ability to drive or complete tasks as a licensed driver.

## **D – Driver Conduct**

**D1:** Behave in a civil, polite, and orderly manner at all times in the course of carrying out your duties as a licensed driver.

**D2:** Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

**D3:** Provide reasonable assistance to passengers (getting in and out of the vehicle and unloading luggage to the outer door of the premises/building).

**D4:** Not eat or drink in the vehicle whilst passengers are in the vehicle except with their permission.

**D5:** Ensure luggage is stored safely and properly secured in the vehicle.

**D6:** Not play the radio whilst passengers are in the vehicle except with their permission.

**D7:** Not conduct yourself or use the vehicle in any way so as to be a nuisance to passengers or the public.

**D8:** Comply with any reasonable request made by an authorised officer or police officer.

**D9:** Drive with the utmost care and consideration to other road users and pedestrians.

**D10:** Keep relationships with passengers on an appropriate professional basis.

**D11:** Not keep or use customer telephone numbers or other contact details other than for the purposes associated with the booking.

**D12:** If you have agreed or have been hired to be in attendance with the vehicle at an appointed time and place you must, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and place.

**D13:** Not smoke tobacco or any other like substance in a licensed vehicle nor use an electronic cigarette or similar device.

**D14:** Not drive if you are unfit to do so because you are on legal or illegal drugs and/or you have certain levels of illegal drugs in your blood.

**D15:** Not drive whilst under the influence of alcohol.

**D16:** Ensure the licensed vehicle you drive is in a roadworthy condition and complies with relevant legislation and with the Councils licensing conditions for that vehicle.

**D17:** Ensure the vehicle is kept clean (inside and out) and free of rubbish.

**D18:** The driver in charge of a private hire vehicle, shall not stop or park on a taxi rank and shall not ply for hire.

**D19:** Not use the horn as a means of signaling that the vehicle has arrived for hire.

**D20:** Not convey, nor permit to be conveyed, in the vehicle more than the number of persons specified in the licence and referred to on the vehicle licence plate.

**D21:** Not carry other persons in the vehicle when hired, without the express consent of the person hiring the vehicle.

**D22:** Ensure compliance with any legislation relating to the length of working hours.

#### **E – Insurance:**

**E1:** Ensure that the vehicle driven by you is insured as a licensed vehicle and that you are personally covered to drive the vehicle.

**E2:** If working for multiple operators, all parties must ensure that appropriate and valid insurance is in place.

## **F – Seatbelts/Child Seats:**

**F1:** Wear a seat belt unless [exempt](#).

**F2:** Know and comply with the all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts, child seats, and any other relevant construction and use and safety legislation.

## **G – Dress Code**

**G1:** You are required to be respectably dressed, clean and tidy in appearance and must adhere to the following:

Clothing not permitted:

- Unclean or damaged clothing.
- Words or graphics on clothing that is of an offensive or suggestive nature, or which might offend.
- Sportswear (e.g. football or rugby kits)
- Sandals with no heel strap, flip flops or any form of footwear not secured around the heel.

## **H – Fares and Journeys**

**H1:** Provide written receipts on request.

**H2:** At the start of a hired journey, where a meter is fitted, ensure the meter is turned to the correct tariff and running and that it remains in operation until the termination of the hiring. This applies to all bookings.

**H3:** Not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.

**H4:** Ensure the dial of the taximeter is kept properly illuminated throughout any part of a hiring which is during the hours of darkness and at any other time at the request of the hirer.

**H5:** Not demand a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a meter, the fare shown on the face of the meter.

**H6:** Not demand a fee for carrying a wheelchair or other mobility aids.

**H7:** Take the most efficient route bearing in mind likely traffic problems and know diversion's and agree with the passenger any diversion from the most direct route.

**H8:** Stop or park the vehicle considerately and legally.

### **I – The Carriage of Animals**

**I1:** Not convey any animal belonging to or in the custody of the driver, proprietor or operator of the vehicle.

**I2:** Animals in the custody of passengers may be carried at your discretion, provided they are restrained in a safe manner.

**I3:** Under the Equality Act you must carry guide, hearing and other assistance dogs accompanying disabled people and do so at no extra charge.

**I4:** You must not active the meter until both passenger and assistance dog are properly settled and the vehicle is ready to depart. The meter should also be stopped as soon as the destination is reached.

**I5:** Where a notice of exemption has been issued to you on medical grounds, you must carry this at all times and must be made available upon request.

### **I – Equality Act 2010**

**I1:** A driver must ask every passenger whether they require assistance and act upon what they have been asked to do. This should be when hired for bookings as a Hackney Carriage or Private Hire Vehicle and for Hackney Carriages when hailed. Drivers should only touch a wheelchair or mobility aid or seek to provide physical assistance if the user gives them permission to do so.

**I2:** Under Section 164A of the Equality Act 2010 all drivers of any Hackney Carriage or Private Hire vehicles are under a duty to take all disabled passengers including passengers who are wheelchair users (with the assumption that the wheelchair user transfers to a passenger seat to travel). This also applies to any vehicle on the designated list under Section 167 of the Equality Act 2010.

**I3:** Basic assistance should be offered to all passengers even those with mobility assistance needs. Basic Assistance includes but isn't limited to:

- Opening the passenger door
- Folding manual wheelchairs and placing them in the luggage department
- Installing the boarding ramp
- Securing a mobility aid within the passenger compartment

**I4:** Under Section 165A of the Equality 2010 all drivers are under a duty to assist a passenger to identify and find the hired vehicle without making or proposing to make an extra charge for doing so. This applies to any pre booked Hackney Carriage and any Private Hire Vehicle driver regardless of whether their vehicle is designated as being wheelchair accessible or not. In order to fulfil the duties at Section 165A drivers should use the following but this list isn't limited.

- Giving audio directions for a visually impaired passenger
- Giving visual directions for a hearing-impaired passenger
- Repeating key information for passengers with mental or cognitive impairments

## **J – Found Property**

**J1:** The driver shall after every hiring or as soon as practicable, search the vehicle for any property which may have been accidentally left therein.

**J2:** The driver shall notify the owner of the lost property, if possible, or retain the property within the vehicle or at the operator's office for a reasonable period.

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## APPENDIX B – HACKNEY CARRIAGE VEHICLE SPECIFICATIONS AND CONDITIONS

A hackney carriage vehicle licence remains in force for a year.

Any car to be used for the purposes of a hackney carriage must be –

- Capable of carrying at least four passengers, but no more than eight including any passenger in a wheelchair.
- Capable of carrying a wheelchair in the boot.
- Meet the European Whole Vehicle type approval or British National Type approval.
- Meet all other pre-licensing standards set out below.

**PLEASE NOTE:** Always make sure that any vehicle you intend to license meets all the conditions before you pay for it or enter into any credit agreement. The Council is not liable if you purchase a vehicle which cannot be licensed because it does not meet the pre-licensing conditions. If you have any doubts about whether your particular vehicle is acceptable, contact the Licensing Team.

Applications for the grant, renewal or transfer of a licence must be made, and will be determined, in accordance with the relevant process and procedures set out in the Policy, its annexes and appendices.

**Once your vehicle has been licensed it cannot be driven by anyone else unless they hold a hackney carriage/private hire driver's licence. This means that your spouse, partner or children will be unable to drive the vehicle at any time, even on holiday, unless they hold a current hackney carriage/private hire driver's licence. Such use could invalidate your insurance cover.**

### Pre-Licensing Standards

Only those vehicles which comply with the specification detailed below can be granted a hackney carriage licence.

- Where vehicles have not been manufactured in the UK or imported by the manufacturer, they must have an appropriate "Type Approval" which is either an EC Whole Vehicle Type Approval (ECWVTA) or British National Type approval. Vehicles must not have been

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altered since that approval was granted. An Individual Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, must comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

- All newly registered or re-registered vehicles must run on unleaded fuel, diesel or an alternative environmentally friendly fuel such as LPG, (Liquid Petroleum Gas) or be hybrid or fully electric. Where petrol or diesel vehicles are used, they must comply with the following compliance dates and standards for emissions from taxis –

With effect from January 2027, the Council will only issue a new vehicle licence in respect of petrol, hybrid or diesel vehicles which are Euro 6 compliant or zero emission vehicles.

- All vehicles must be of a size to have adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured. All vehicles must be capable of carrying a wheelchair, as luggage, in a reasonable manner.
- Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes, however category N will be considered on a case-by-case basis with the reasons for write off provided to the team by the relevant insurance underwriter.
- Unless the vehicle is fitted with an integral taxi roof sign, it must be fitted with an external sign on the roof of the vehicle showing the word 'TAXI'. The sign must be centrally mounted and adequately secured.
- All vehicles shall have a minimum of 4 opening doors. All doors should be capable of being opened from the inside and outside and the interior door handle must be clearly visible and accessible to passengers.
- Access to every passenger seat must be unobstructed and be easily accessible to passengers.
- Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests, or other parts of the vehicle. All measurements are taken across the front of the seat cushion.

- There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.
- The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
- All vehicles must be fitted with fully operational front and rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.
- Opening windows should be provided in the rear of the vehicle and must be capable of being opened by passengers. Where this is not possible the vehicle should have an adequate air conditioning system.
- The front side windows and windscreen of any vehicle shall comply with the current Construction and Use Regulations with regard to the level of tint. The remaining windows may have a minimum Visual Light Transmission (VLT) of 50%. No self-adhesive material (tinted or clear) shall be affixed to any part of the glass. All vehicles licensed by this Council shall only be fitted with factory tinted glass by the vehicle manufacturer.

## **Vehicle Conditions**

### **A – Administration**

The vehicle licence holder shall:

**A1:** Within 7 days notify the Council in writing of any change of address.

**A2:** In the event of the hackney carriage vehicle licence being held in the name of a company or partnership, the Council shall be notified in writing of any change in directors or partners within 7 days of any such change taking place.

**A3:** The proprietor/driver must notify the Council within 48 hours of any cautions, convictions or warnings including but not limited to driving endorsements, driving convictions, police warnings and reprimands, cautions, community service orders, restraining orders, fixed penalties, immigration offences, or other relevant matters, including road tariff offences such as speeding, during the period of the licence or if the proprietor is a company, on any of its directors during the period of the licence.

**A4:** Ensure that whilst a hackney carriage vehicle is licensed with Babergh or Mid Suffolk District Council the vehicle is not licensed by another local authority.

**A5:** Upon request from an authorised officer provide details as to who had permission to drive the vehicle at a date and time specified by the officer.

**A6:** Throughout the currency of the licence, keep in force in relation to the user of the hackney carriage vehicle, a suitable policy of insurance which covers, public hire use, third party liability both in respect of physical injury or death and in respect of damage to personal belongings.

**A7:** Before permitting a licensed hackney carriage driver to drive the vehicle require the driver to deliver to them a copy of their hackney carriage driver's licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of theirs.

**A8:** Keep a complete and accurate record of the name of the person driving the vehicle at any time and the expiry date of the licence.

**A9:** Not allow any person to drive the licensed vehicle without a valid hackney carriage drivers licence being in place.

**A10:** Keep information relating to drivers' licences for six months following expiry of the licence and produce upon request to an authorised officer or constable.

**A11:** Pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

## **B – Condition of the Vehicle**

**B1:** Ensure no alteration or change in the specification, design, condition or appearance of the vehicle shall be made without prior approval of the Council at any time while the licence is in force.

**B2:** Ensure that the boot/luggage compartment should be available for passenger luggage or a wheelchair, and otherwise kept empty except for spare wheel, fire extinguisher, essential tools and first aid kit. The compartment should be clean and any covering free from cuts, tears or other damage or staining.

**B3:** Ensure that the vehicle is maintained in good order and should be capable of passing the Councils vehicle test/ inspection at any stage during the licence period.

**B4:** A vehicle licence holder shall on a regular basis undertake a vehicle inspection which must as a minimum contain the following checks:

- Licence plates present and fixed in accordance with licensing requirements
- Signage present as required
- Lights and Indicators
- Tyre condition, pressures and tread/wheel nuts
- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Brakes
- Horn in working order
- Oil/ Water levels
- Driver's mirrors
- Seats/seat belts
- Sundry equipment
- Suspension/steering

**B5:** Under the Local Government (Miscellaneous Provisions) Act 1976, an appliance for extinguishing fires must be carried in such a position as to be readily available for use. Such an appliance must be a minimum of either a 1kg ABC General Purpose Powder or 1 litre AFFF Foam and conform to BSEN 3, showing the appropriate kite-mark.

All extinguishers must be checked every 12 months by one of the Council's nominated garages during the vehicle test. The date of the test and signatures must be clearly visible

on a sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number.

**B6:** There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable first aid kit containing appropriate dressings for immediate use in an emergency. A driver must not administer first aid to another individual unless they have been first aid trained.

**B7:** The paintwork must be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.

**B8:** The vehicle must have no untreated or unrepaired body defect or significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered. All rust spots and repairs in excess of 100 millimetres diameter are to have been prepared and repainted with matching colour up to insurance finishing standard.

**B9:** Vehicles must have an efficient heating and ventilation system.

### **C – Wheels and Tyres**

**C1:** All vehicles shall carry in accordance with manufacturers' recommendations all necessary equipment for puncture repair. All tyres, including any spare tyre, should be in a roadworthy condition and comply with all relevant statutory requirements. Tyres should be of either all radial or all cross-ply design; the fitting of part worn, or secondhand tyres are not permitted.

### **D – Vehicle Testing**

**D1:** Once licensed, the vehicle must be presented for inspection as follows –

- Up to 5 years old – once during each 12-month licensing period.
- 5 years old and over – twice during each 12-month period.

**D2:** Licensed vehicles that fail an authorised examination and test will be issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has been repaired; undergone a further test at your expense; has been passed as fit for use by a Council approved testing station; and the Authority has received the appropriate notification.

**D3:** If the defect is not repaired within 28 days from the date of the service of the suspension notice, the vehicle licence will be revoked by the Council. Where it is anticipated that repairs will take longer than 28 days you must apply to the Council to extend the period.

**D4:** Any damage to a licensed vehicle must be reported to the Licensing Team in writing/by email within 72 hours.

**D5:** A vehicle must always be inspected after it has been involved in a road traffic accident or where damage has been caused to it, however minor or limited the damage appears to be. You must also present the vehicle for inspection, at a Council approved testing station, after it has been repaired. A copy of the Pass Certificate must be given to the Council before the vehicle can be used again to carry passengers.

**D6:** The licence of any vehicle failing to attend a required inspection will be suspended until such time as the vehicle has been inspected and passed.

#### **E – Licence Identification Plates**

**E1:** You must fix to the vehicle the licence identification plate supplied by the Council; this plate must relate to the vehicle on which it is displayed. No other vehicle licence identification plates should be displayed on the vehicle.

**E2:** You must ensure that the licence identification plate is securely fixed to the outside exterior of the vehicle, adjacent as possible, to the number plate and in such a manner as to ensure that the vehicle registration plate is not obscured, and the plate is clearly visible from the highway and by other road users. A plate must not be placed on the rear window of the vehicle.

**E3:** You must ensure that the vehicle licence disc, as supplied by the Authority, is displayed on the front windscreen of the vehicle in away that does not obscure the vision of the driver whilst the vehicle is being driven on a road.

**E4:** The licence plate and disc must remain the property of the Council and must be returned within seven days, following the service on you of an appropriate notice by the Authority and/or in the event of the hackney carriage vehicle licence ceasing to be in force in respect of the vehicle.

## **F – Taximeters**

**F1:** A calendar-controlled taximeter, approved by the Council, must be fitted and correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure. It must be easily visible to passengers.

**F2:** The taximeter and all the fittings shall be fixed to the carriage with seals or other appliances, so as to be tamper proof except by breaking, damaging, or permanently displacing the seals or other appliances.

**F3:** The taximeter shall be positioned so that all letters and figures on the face thereof must be plainly visible at all times to any person being conveyed in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1988 and also at any time at the request of the hirer.

**F4:** 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.

**F5:** If the taximeter has been altered for whatever reason, the proprietor of the vehicle must immediately report the alteration to the Licensing Team so that arrangements for resetting and resealing may be made.

**F6:** Any failure to the taximeter must be reported to the Licensing Team without delay.

**F7:** An official copy of the Council's fare chart shall be clearly displayed in the vehicle so as to be plainly visible to all passengers.

**F8:** The proprietor of the vehicle may make a further charge for any valeting deemed necessary following soiling/fouling to the interior of the vehicle rendering it unfit for further immediate hiring. This is a matter between the proprietor and the hirer. Vehicle proprietors must clearly display details of their valeting charge policy following soiling/fouling, inside the vehicle.

**F9:** The 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 hire of Hackney Carriages.

**F10:** Where the journey starts in the district and ends outside, a fare may be agreed before the start of the journey. The meter must be in operation for the duration of the journey and the final fare charged shall not exceed the fare on meter.

## **G – Specifications for wheelchair accessible vehicles**

**G1:** Vehicles, which are built or adapted for disabled passengers and their disability apparatus under the advice of the Mobility & Inclusion Unit of the Department for Transport, is that there be no restriction on access, recognising that different vehicles may be suited to varying operating areas.

**G2:** Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

**G4:** All devices used and carried in the vehicle in connection with access to and egress from the vehicle must be carried in such a way as not to impede access or egress of passengers or otherwise compromise their safety. All such devices to be clearly marked with the vehicle's registration number.

**G3:** The licensed driver of a wheelchair accessible vehicle must have received suitable and sufficient training to load and convey passengers who travel in their wheelchairs. The provision of this training shall be the responsibility of the operator/licensed driver. A written record of the training shall be kept by the vehicle proprietor and made available for inspection by an authorised officer of the Licensing Authority upon request. Refresher training shall be undertaken at least once every 36 months, with any new licensed driver undertaking the training prior to their first journey.

## **H – Trailers**

**H1:** A trailer can be towed by a licensed Hackney Carriage vehicle provided that:

- The trailer is only to be used in connection with a booking and cannot be used whilst plying for hire on a rank.
- The vehicle towing is suitable for towing the intended trailer in accordance with the relevant regulations.
- The vehicle insurance must include cover for towing a trailer.



- The trailer to be towed by the licensed vehicle complies with all legal requirements.
- The trailer is presented for and passes inspection by the Council's approved garage prior to its use and again at each inspection of the vehicle by which the trailer is towed. The cost of such an inspection to be borne by the licence holder.
- No advertising is permitted on any part of the trailer without the written agreement of the Council.
- When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer must be clearly displayed on the rear of the trailer. Such licence plate number must correspond to the plate number of the towing vehicle. The cost of the additional plate will be borne by you.

## **I – Temporary Plates**

**I1:** Where a vehicle cannot be used because it is being repaired, you may apply for a temporary plate for the replacement vehicle which will enable you to continue to operate. The temporary plate may be used for up to 3 months or 6 months; this period may be extended in exceptional circumstances following the approval of the Council.

**I2:** The temporary replacement vehicle must pass an inspection undertaken at a Council approved testing station.

## APPENDIX C – PRIVATE HIRE VEHICLE SPECIFICATIONS AND CONDITIONS

A private hire vehicle licence remains in force for a year.

Any car to be used for the purposes of a private hire must be –

- Capable of carrying at least four passengers, but no more than eight including any passenger in a wheelchair.
- Capable of carrying a wheelchair in the boot.
- Meet the European Whole Vehicle type approval or British National Type approval.
- Meet all other pre-licensing standards set out below.

**PLEASE NOTE:** Always make sure that any vehicle you intend to license meets all the conditions before you pay for it or enter into any credit agreement. The Council is not liable if you purchase a vehicle which cannot be licensed because it does not meet the pre-licensing conditions. If you have any doubts about whether your particular vehicle is acceptable, contact the Licensing Team.

Applications for the grant, renewal or transfer of a licence must be made, and will be determined, in accordance with the relevant process and procedures set out in the Policy, its annexes and appendices.

**Once your vehicle has been licensed it cannot be driven by anyone else unless they hold a hackney carriage/private hire driver's licence. This means that your spouse, partner or children will be unable to drive the vehicle at any time, even on holiday, unless they hold a current hackney carriage/private hire driver's licence. Such use could invalidate your insurance cover.**

### Pre-Licensing Standards

Only those vehicles which comply with the specification detailed below can be granted a private hire licence.

- Where vehicles have not been manufactured in the UK or imported by the manufacturer, they must have an appropriate "Type Approval" which is either an EC Whole Vehicle

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Type Approval (ECWVTA) or British National Type approval. Vehicles must not have been altered since that approval was granted. An Individual Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, must comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

- All newly registered or re-registered vehicles must run on unleaded fuel, diesel or an alternative environmentally friendly fuel such as LPG, (Liquid Petroleum Gas) or be hybrid or fully electric. Where petrol or diesel vehicles are used, they must comply with the following compliance dates and standards for emissions from taxis –

With effect from January 2027, the Council will only issue a new vehicle licence in respect of petrol, hybrid or diesel vehicles which are Euro 6 compliant or zero emission vehicles.

- All vehicles must be of a size to have adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured. All vehicles must be capable of carrying a wheelchair as luggage, in a reasonable manner.
- Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes, however category N will be considered on a case-by-case basis with the reasons for write off provided to the team by the relevant insurance underwriter.
- All vehicles shall have a minimum of 4 opening doors. All doors should be capable of being opened from the inside and outside and the interior door handle must be clearly visible and accessible to passengers.
- Access to every passenger seat must be unobstructed and be easily accessible to passengers.
- Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests, or other parts of the vehicle. All measurements are taken across the front of the seat cushion.
- There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.

- The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
- All vehicles must be fitted with fully operational front and rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.
- Opening windows should be provided in the rear of the vehicle and must be capable of being opened by passengers. Where this is not possible the vehicle should have an adequate air conditioning system.
- The front side windows and windscreen of any vehicle shall comply with the current Construction and Use Regulations with regard to the level of tint. The remaining windows may have a minimum Visual Light Transmission (VLT) of 50%. No self-adhesive material (tinted or clear) shall be affixed to any part of the glass. All vehicles licensed by this Council shall only be fitted with factory tinted glass by the vehicle manufacturer.

## Vehicle Conditions

### A – Administration

The vehicle licence holder shall:

**A1:** Within 7 days notify the Council in writing of any change of address.

**A2:** In the event of the private hire vehicle licence being held in the name of a company or partnership, the Council shall be notified in writing of any change in directors or partners within 7 days of any such change taking place.

**A3:** The proprietor/driver must notify the Council within 48 hours of any cautions, convictions or warnings including but not limited to driving endorsements, driving convictions, police warnings and reprimands, cautions, community service orders, restraining orders, fixed

penalties, immigration offences, or other relevant matters, including road tariff offences such as speeding, during the period of the licence or if the proprietor is a company, on any of its directors during the period of the licence.

**A4:** Ensure that whilst a private hire vehicle is licensed with Babergh or Mid Suffolk District Council the vehicle is not licensed by another local authority.

**A5:** Upon request from an authorised officer provide details as to who had permission to drive the vehicle at a date and time specified by the officer.

**A6:** Throughout the currency of the licence, keep in force in relation to the user of the private hire vehicle, a suitable policy of insurance which covers, public hire use, third party liability both in respect of physical injury or death and in respect of damage to personal belongings.

**A7:** Before permitting a licensed hackney carriage/private hire driver to drive the vehicle require the driver to deliver to them a copy of their hackney carriage/private hire driver's licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of theirs.

**A8:** Keep a complete and accurate record of the name of the person driving the vehicle at any time and the expiry date of the licence.

**A9:** Not allow any person to drive the licensed vehicle without a valid hackney carriage/private hire drivers licence being in place.

**A10:** Keep information relating to driver's licences for six months following expiry of the licence and produce upon request to an authorised officer or constable.

**A11:** Pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

## **B – Condition of the Vehicle**

**B1:** Ensure no alteration or change in the specification, design, condition or appearance of the vehicle shall be made without prior approval of the Council at any time while the licence is in force.

**B2:** Ensure that the boot/luggage compartment should be available for passenger luggage or a wheelchair, and otherwise kept empty except for spare wheel, fire extinguisher, essential tools and first aid kit. The compartment should be clean and any covering free from cuts, tears or other damage or staining.

**B3:** Ensure that the vehicle is maintained in good order and should be capable of passing the Councils vehicle test/ inspection at any stage during the licence period.

**B4:** A vehicle licence holder shall on a regular basis undertake a vehicle inspection which must as a minimum contain the following checks:

- Licence plate and disc present and fixed in accordance with licensing requirements
- Signage present as required
- Lights and Indicators
- Tyre condition, pressures and tread/wheel nuts
- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Brakes
- Horn in working order
- Oil/ Water levels
- Driver's mirrors
- Seats/seat belts
- Sundry equipment
- Suspension/steering

**B5:** Under the Local Government (Miscellaneous Provisions) Act 1976, an appliance for extinguishing fires must be carried in such a position as to be readily available for use. Such an appliance must be a minimum of either a 1kg ABC General Purpose Powder or 1 litre AFFF Foam and conform to BSEN 3, showing the appropriate kite-mark.

All extinguishers must be checked every 12 months by one of the Council's nominated garages during the vehicle test. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number.

**B6:** There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable first aid kit containing appropriate dressings for immediate use in an emergency. A driver must not administer first aid to another individual unless they have been first aid trained.

**B7:** The paintwork must be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.

**B8:** The vehicle must have no untreated or unrepaired body defect or significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered. All rust spots and repairs in excess of 100 millimetres diameter are to have been prepared and repainted with matching colour up to insurance finishing standard.

**B9:** Vehicles must have an efficient heating and ventilation system.

### **C – Wheels and Tyres**

**C1:** All vehicles shall carry in accordance with manufacturers' recommendations all necessary equipment for puncture repair. All tyres, including any spare tyre, should be in a roadworthy condition and comply with all relevant statutory requirements. Tyres should be of either all radial or all cross-ply design; the fitting of part worn, or secondhand tyres are not permitted.

### **D – Vehicle Testing**

**D1:** Once licensed, the vehicle must be presented for inspection as follows –

- Up to 5 years old – once during each 12-month licensing period.
- 5 years old and over – twice during each 12-month period.

**D2:** Licensed vehicles that fail an authorised examination and test will be issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has been repaired; undergone a further test at your expense; has been passed as fit for use by a Council approved testing station; and the Authority has received the appropriate notification.

**D3:** If the defect is not repaired within 28 days from the date of the service of the suspension notice, the vehicle licence will be revoked by the Council. Where it is anticipated that repairs will take longer than 28 days you must apply to the Council to extend the period.

**D4:** Any damage to a licensed vehicle must be reported to the Licensing Team in writing/by email within 72 hours.

**D5:** A vehicle must always be inspected after it has been involved in a road traffic accident or where damage has been caused to it, however minor or limited the damage appears to be. You must also present the vehicle for inspection, at a Council approved testing station, after it has been repaired. A copy of the Pass Certificate must be given to the Council before the vehicle can be used again to carry passengers.

**D6:** The licence of any vehicle failing to attend a required inspection will be suspended until such time as the vehicle has been inspected and passed.

## **E – Licence Identification Plates**

**E1:** You must fix to the vehicle the licence identification plate supplied by the Council; this plate must relate to the vehicle on which it is displayed. No other vehicle licence identification plates should be displayed on the vehicle.

**E2:** You must ensure that the licence identification plate is securely fixed to the outside exterior of the vehicle, adjacent as possible, to the number plate and in such a manner as to ensure that the vehicle registration plate is not obscured, and the plate is clearly visible from the highway and by other road users. A plate must not be placed on the rear window of the vehicle.

**E3:** You must ensure that the vehicle licence disc, as supplied by the Authority, is displayed on the front windscreen of the vehicle in a way that does not obscure the vision of the driver whilst the vehicle is being driven on a road.

**E4:** The licence plate and disc must remain the property of the Council and must be returned within seven days, following the service on you of an appropriate notice by the Authority and/or in the event of the vehicle licence ceasing to be in force in respect of the vehicle.

## **F – Taximeters**



**F1:** If a private hire vehicle is fitted with a meter this must be a calendar-controlled taximeter, approved by the Council. The meter must be fitted and correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure. It must be easily visible to passengers.

**F2:** If a pre-booked journey for which the fare has been agreed is carried out in a private hire vehicle with a meter, the meter must be running for the duration of the journey. If the metered fare is cheaper than the agreed fare, the metered fare must be charged.

**F2:** The taximeter and all the fittings shall be fixed to the vehicle with seals or other appliances, so as to be tamper proof except by breaking, damaging, or permanently displacing the seals or other appliances.

**F3:** The taximeter shall be positioned so that all letters and figures on the face thereof must be plainly visible at all times to any person being conveyed in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1988 and also at any time at the request of the hirer.

**F4:** 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.

**F5:** If the taximeter has been altered for whatever reason, the proprietor of the vehicle must immediately report the alteration to the Licensing Team so that arrangements for resetting and resealing may be made.

**F6:** Any failure to the taximeter must be reported to the Licensing Team without delay.

**F7:** If a private hire vehicle is fitted with a meter, an official copy of the Council's fare chart shall be clearly displayed in the vehicle so as to be plainly visible to all passengers.

## **G – Specifications for wheelchair accessible vehicles**

**G1:** Vehicles, which are built or adapted for disabled passengers and their disability apparatus under the advice of the Mobility & Inclusion Unit of the Department for Transport, is that there be no restriction on access, recognising that different vehicles may be suited to varying operating areas.

**G2:** Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

**G4:** All devices used and carried in the vehicle in connection with access to and egress from the vehicle must be carried in such a way as not to impede access or egress of passengers or otherwise compromise their safety. All such devices to be clearly marked with the vehicle's registration number.

**G3:** The licensed driver of a wheelchair accessible vehicle must have received suitable and sufficient training to load and convey passengers who travel in their wheelchairs. The provision of this training shall be the responsibility of the operator/licensed driver. A written record of the training shall be kept by the vehicle proprietor and made available for inspection by an authorised officer of the Licensing Authority upon request. Refresher training shall be undertaken at least once every 36 months, with any new licensed driver undertaking the training prior to their first journey.

## **H – Trailers**

**H1:** A trailer can be towed by a licensed private hire vehicle provided that:

- The vehicle towing is suitable for towing the intended trailer in accordance with the relevant regulations.
- The vehicle insurance must include cover for towing a trailer.
- The trailer to be towed by the licensed vehicle complies with all legal requirements.
- The trailer is presented for and passes inspection by the Council's approved garage prior to its use and again at each inspection of the vehicle by which the trailer is towed. The cost of such an inspection to be borne by the licence holder.
- No advertising is permitted on any part of the trailer without the written agreement of the Council.
- When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer must be clearly displayed on the rear of the trailer. Such licence plate number must correspond to the plate number of the towing vehicle. The cost of the additional plate will be borne by you.

## **I – Temporary Plates**

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**I1:** Where a vehicle cannot be used because it is being repaired, you may apply for a temporary plate for the replacement vehicle which will enable you to continue to operate. The temporary plate may be used for up to 3 months or 6 months; this period may be extended in exceptional circumstances following the approval of the Council.

**I2:** The temporary replacement vehicle must pass an inspection undertaken at a Council approved testing station.

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## **APPENDIX D – SPECIALITY VEHICLE AND LIMOUSINE CONDITIONS**

Limousines and speciality vehicles are generally used for special occasions, such as anniversaries and prom nights, and may be specialist or stretch vehicles.

Limousine and speciality vehicles used for the purpose of hire and reward are required to be licensed as Private Hire vehicles, with a seating capacity for 8 passengers or fewer, and all bookings must be made via a licensed operator.

These are specialist types of vehicles with their own set of conditions in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then these specialist conditions will prevail.

The Council strongly recommends that anyone wishing to purchase and license a speciality vehicle or limousine, contacts the licensing team prior to purchase, to ensure that the vehicle will meet the conditions applied. Each application will be determined on its own merits.

### **A – General Conditions**

**A1:** Seating capacity must be limited to eight passengers even if the vehicle is capable of carrying more than eight passengers.

**A2:** All operators will be required to sign a declaration stating that the vehicle will not carry more than eight passengers and at the time of the booking, this restriction will be explained to the hirer.

**A3:** No passengers will be carried in the front compartment.

**A4:** Every seat shall be at least 400mm in width measured along the seat base.

**A5:** Every seat shall have fitted a suitable seat belt or restraint.

**A6:** It is the driver's responsibility to ensure that passengers use seat belts provided when the vehicle is moving.

**A7:** Passengers must remain seated when the vehicle is moving.

**A8:** Children under the age of 14 years shall not be carried in a stretched limousine unless accompanied by a responsible adult, excluding the driver.

**A9:** No alcohol shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.

## **B – Vehicle Conditions**

**B1:** A valid SVA (single vehicle approval) certificate must be provided for the vehicle.

**B2:** A valid certificate of conversion by an approved USA converter (either a Qualified Vehicle Modifier (QVM) or a Cadillac Master Coachbuilder (CMC) must be provided for the vehicle.

**B3:** A DVLA V5 or equivalent shall be produced to confirm registration. A plate affixed to the door pillar shall confirm the weight of the vehicle.

**B4:** The vehicle shall be equipped with a minimum of four road wheels and a full-sized spare wheel.

**B5:** The vehicle will be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed.

**B6:** Seat belts must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.

**B7:** Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.

**B8:** A stretch limousine will be subject to a twice-yearly vehicle inspection, at intervals to be specified by the Council, at an authorised testing station. A third test may be required, if deemed appropriate.

## **C – Vintage/Classic Cars**

These conditions apply in addition to the Council's standard vehicle conditions –

**C1:** A Single Vehicle Approval (SVA) certificate or equivalent for the vehicle is to be submitted.

**C2:** Seat belts complying with current legislation must be fitted in respect of each passenger seat.

**C3:** The vehicle will be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed. The full-size spare wheel that is required, must also be fitted with the same class of tyre.

**C4:** Vehicles licensed under these conditions will be subject to a twice-yearly vehicle inspection, at intervals to be specified by the Council, at its authorised testing station. A third test may be required if deemed appropriate.

#### **D – Fire Engines/Novelty Engines**

These types of vehicle are licensed in general accordance with the standard Hackney Carriage / Private Hire vehicle and Driver conditions. The conditions that follow also apply to this type of vehicle:

**D1:** The vehicle will be examined and issued with a certificate of fitness (in the form of an MOT or an HGV equivalent) prior to licensing. A further test, at the discretion of the Council, will then be required during the twelve-month validity of the certificate.

**D2:** The driver shall hold a full driving licence suitable for the vehicle concerned.

**D3:** Seating capacity must be limited to eight passengers even if the vehicle is capable of carrying more than eight passengers.

**D4:** All Operators will be required to sign a declaration stating that the vehicle will not carry more than eight passengers and at the time of the booking, this restriction will be explained to the hirer.

**D5:** Children under the age of 14 years shall not be carried in the vehicle unless accompanied by a responsible adult, excluding the driver.

**D6:** Suitable steps will be carried on the vehicle to assist access and egress from the passenger compartment.

**D7:** All passengers must enter or leave the vehicle by the passenger doorway adjacent to the pavement.

**D8:** Seating is to be secured anchored to the floor and seatbelts complying with current legislation must be fitted in respect of each passenger seat.

**D9:** Suitable signage shall be displayed in the passenger compartment advising passengers to wear seat belts.

**D10:** An audible alarm system shall be fitted to the passenger compartment doors, to alert the driver should the door be opened, and shall be in a tested working condition whenever the vehicle is carrying passengers.

**D11:** The floor area of the vehicle must be kept unobstructed at all times.

**D12:** All external lockers on utility vehicles must be kept locked at all times.

**D13:** In the case of the use of a fire engine all reflective tape and lettering is to be removed. Blue lights and the siren are to be disabled. No person involved in the operation of the vehicle is to wear a uniform or hat which may give the public the impression that the individual is a member of the fire service.

**D14:** No alcohol shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.

## APPENDIX E – HORSE DRAWN CONDITIONS

Those wishing to apply for a licence solely to drive a horse drawn hackney carriage will on successful application be issued a dual hackney carriage and private hire drivers' licence with a specific condition that they may only drive a horse drawn hackney carriage and no other type of licensed vehicle.

The process to apply for this type of driver's licence will be the same as detailed in Appendix A, with the exception of a driver assessment test.

The alternative requirement is that applicants must produce evidence to the authority that they are competent to drive horses in harness. Certification to British Driving Society (BDS) level 3 Road Driving Safety Qualification for Pairs and Singles is required. For grooms, the standard is BDS level 2 Unit Certificates for the Harness Horse Groom.

The Council will consider alternative qualifications that are of the equivalent standard. Any expense involved in producing such certification shall be met by the applicant or licence holder.

### A – Driver Conditions

**A1:** The Licence holder and/or applicant must produce evidence to the authority that they are competent to drive horses in harness. Certification to British Driving Society (BDS) level 3 Road Driving Safety Qualification for Pairs and Singles is required. For grooms the standard is BDS level 2 Unit Certificates for the Harness Horse Groom. The Council will consider alternative qualifications that are of the equivalent standard. Any expense involved in producing such certification shall be met by the applicant or licence holder.

**A2:** The licence holder may only drive a horse drawn carriage and no other type of licensed vehicle.

**A2:** The Licence holder shall, at all times when acting in accordance with the driver's licence, wear the official badge issued by the Council in such a position as to be plainly and distinctly visible.

**A3:** The licence holder shall not carry or permit to be carried in that carriage any greater number of passengers than the number of passengers which the carriage is licensed to carry.



**A4:** The Licence holder shall notify the Council in writing, within 7 days of any change of address and, if not self-employed, any change of employer.

**A5:** The Licence holder shall, at the request of any authorised Officer of the Council or of any Police Officer, produce their licence for inspection.

**A6:** On the surrender, revocation or suspension of the licence the official driver's badge must be returned to the Council immediately.

**A7:** Any change in the medical condition of the Licence holder, which could impair their driving ability, shall be notified within 48 hours to the Council.

**A8:** Details of any offence of which the Licence holder has been convicted shall be notified within 48 hours in writing to the Council.

**A9:** The licence holder shall not, when standing or plying for hire, wash such carriage in any street or public place.

**A10:** The licence holder shall take all reasonable steps not to hold up traffic and to allow other vehicles to pass.

**A11:** The Licence holder shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the carriage.

**A12:** The Licence holder shall be responsible for the safe handling and proper care of the horses employed in the operation of the licensed vehicle.

**A13:** The Licence holder shall be responsible, when in charge of the vehicle, for the collection and satisfactory hygienic disposal of horse excrement, as soon as reasonably practicable after the excrement has been deposited.

**A14:** Any change in the physical condition of the horse must be notified in writing to the Council within 7 days.

**A15:** Details of the hours worked by the horse and the rest periods must be recorded by the licence holder in a log which shall be made available on request to an authorised officer of the Council, Police officer, veterinary appointed by the Council or RSPCA Inspector.

**A16:** No horse shall be used if it is in such a condition so as to expose any person being conveyed in such a carriage, or any pedestrian, on any street, or thoroughfare to risk of injury.

**A17:** Any horse shall be taken out of use immediately if any Police Officer, RSPCA Inspector or Authorised Officer of the Council have reason to suspect that it is unfit. It must remain so until it has been examined and found fit by an Equine Veterinary, the cost of such examination being borne by the licensee. Written confirmation that it is fit to work must be supplied to the Council.

**A18:** The licence holder must not, in any street within the Districts, feed or allow to be fed any animal whilst harnessed or otherwise attached to the carriage, except with food contained in a proper nose bag suspended from the head of the animal, from any centre pole of the carriage, or which is in a proper container or which is being held and delivered with the hand of the person feeding the animal.

**A19:** The licence holder must have available the means of providing adequate water and hay for any horse used to draw the carriage and the said horse shall have access to such water / hay at regular intervals.

**A20:** The proprietor or driver of a carriage must display clearly the charges for the journey and ensure that the schedule of charges is legible at all times.

## **B – Carriage Conditions**

**B1:** The carriage must display the Council's identification plate upon the rear of the carriage, such plate must not to be concealed from public view.

**B2:** The carriage must be suitable in type, size and design for the purposes of public hire and must be fitted with rubber rimmed wheels.

**B3:** The carriage shall be produced for examination and inspection by an authorised Officer of the Council, or such other agency as the Council may think fit, and the cost of such inspection shall be borne by the Licensee.

**B4:** The Council shall be notified of any proposed alteration to any part of the carriage before such alteration is carried out.

**B5:** The carriage shall either have a watertight roof and a means of opening and closing windows or, in the case of an open carriage, be used in fair weather conditions only.

**B6:** The floor of the carriage shall be covered with mats of suitable material.

**B7:** The seats of the carriage shall be properly cushioned or covered; fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein.

**B8:** The licence holder shall ensure that every part of the harness of the horse or horses is kept in order, so that the horse or horses are properly and securely attached to the carriage and under due control.

**B9:** The licence holder shall examine the horse/s, harness and carriage carefully at the start of each day's work and assure themselves that everything is in good condition and in proper order.

**B10:** The licence holder must keep all of its fittings and equipment in a clean and safe condition, well maintained and in every way fit for public service.

**B11:** In addition to a fully paid-up policy of Insurance in respect of Hire and Reward, insurance relating to public liability must be in force during the period of the Licence covering the carriage when it is being used for the purposes of hire and reward in the sum of £5m. Such Insurance must be produced to a Police Officer or an Authorised Officer of the Council at such times and at such places as may be reasonably required.

## APPENDIX F – LICENSED PRIVATE HIRE OPERATOR CONDITIONS

The key consideration of the Council in licensing private hire operators is the safety of the travelling public. This encompasses those using an operator's premises and the vehicles and drivers arranged through them.

Whilst hackney carriage vehicles are allowed to ply and rank for hire, a private hire vehicle must be pre-booked.

If you are taking a booking, through a booking office, telephone booking line, website or App, you must have an operator's licence issued by the Council.

Applications for the grant, renewal or transfer of a licence must be made, and will be determined, in accordance with the relevant process and procedures set out in the Policy, its annexes and appendices.

**PLEASE NOTE:** To operate a private hire business from a residential dwelling, planning permission for such business use may be required. It is your responsibility to ensure that any necessary planning permissions are in place.

Applications for the grant, renewal or transfer of a licence must be made, and will be determined, in accordance with the relevant process and procedures set out in the Policy, its annexes and appendices.

### Pre-Licensing Standards

In order to be licensed as a private hire operator you must:

- Complete the application form and supply the required fee and documentation to support your application including evidence that you may legally work in the UK and registered with HMRC.
- Be found to be a fit and proper person to hold a private hire operator's licence by the Council having regard to its Hackney Carriage/Private Hire Licensing Policy.

For non-driver operators (including all partners and company directors) you must at your own expense:

- Undergo a basic disclosure and barring service check with the disclosure and barring service.
- Undertake the Level 2 course in and Introduction to the Role of Professional Taxi and Private Hire Driver

## **Operator Conditions**

### **A – Administration**

The private hire operator shall:

**A1:** Provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

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

**A2:** If sub-contracting work to a private hire operator not licensed with this Council, must have regard to the standards in place by both licensing authorities and take steps to ensure this Council's licensing standards are not undermined by the subcontracting.

**A3:** Notify the Council in writing (email will suffice) of any change of address within seven days of such change taking place.

**A4:** For the duration of the licence, the Licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

**A5:** Ensure that adequate training is provided to staff (paid or unpaid) on:

- Licensing Law
- Complaints
- Safeguarding Policies

- How and when to accept bookings

This training must be undertaken within one month of the commencement of these conditions or employment and thereafter, at least every two years. The Operator must keep a documented record of the aforementioned training which has been signed by the operator and the member of staff.

**A6:** Co-operate fully with any authorised officers in respect of any enquiries or investigations carried out relating to drivers or vehicles connected to the business or formerly connected to the business.

**A7:** Co-operate fully with authorised officers in the business of the private hire operator with respect of any investigations or inspections regarding.

**A8:** Not allocate any bookings to any driver or vehicle without having a copy of the current driver/ vehicle licence on file. (i.e. they shall not allocate any bookings to a driver/ vehicle licence holder whose licence has expired).

**A9:** Inform the Council in writing (email will suffice) if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this the operator must give the name of the person that will be responsible for running the business on their behalf.

**A10:** Adopt, implement, review and update a data protection policy and in doing so must ensure that any personal information obtained during the course of the business is stored securely. Access to the information must be restricted to persons who will use it for the purpose for which it has been collected.

**A11:** Adopt, implement, review and update its documented equality policy which details how the operator will comply with its requirements under the Equality Act 2010 including disability awareness and the carrying of assistance animals.

## **B – Taking and Recording of Bookings**

**B1:** The private hire operator shall record the following information in respect of each booking:

- Time and date booking received
- Name and contact details (phone number or address) of person making the booking
- How the booking was made e.g. Telephone/Online etc.

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- Time of pick up
- Location of pick up
- Specific destination
- ID of dispatched driver (i.e. name /call sign)
- ID of dispatched vehicle (Licence/fleet number)
- ID of person taking booking (excludes electronic bookings)
- Any special requirements e.g. wheelchair accessible/child seats/ luggage
- Details of any subcontracting to or from another PHO
- Any fare quoted at time of booking, if requested by the person making the booking
- Detail any subcontracting arrangements to or from another private hire operator

**B2:** Advise a customer if the booking is being subcontracted to another operator and if so, provide the name of the subcontracted operator who will be undertaking the booking.

**B3:** Ensure that booking records are:

- Available for immediate inspection by an authorised officer
- Able to be printed onto paper or downloaded in an electronic format
- Continuous and chronological
- Not capable of retrospective alteration or amendment
- Kept as one set of records. Cash and credit account bookings can be separately identified but must not be in separate sets of records.
- Are clear, intelligible, and retained for a **minimum of 12 months** from the date of the last entry. (Currently state 5 years)

### **C – Records Required (Other than Booking Information)**

**C1:** Keep detailed, up to date, records of every vehicle operated by him (whether licensed as private hire or hackney carriage) The records must include:

- Name and home address of the vehicle licence holder
- A copy of the current vehicle licence including expiry date
- The date the vehicle was first used by the PHO to fulfil bookings and the date the PHO ceased using the vehicle to fulfil bookings (where applicable)
- The vehicle registration number
- A list of unique radio/call sign allocated to the driver and vehicle have a system in place to ensure that no vehicle is operated when the licence or insurance has expired

- A system in place to ensure that no vehicle is operated when the licence or insurance has expired

**C2:** Keep detailed, up to date, records of every driver operated by him (whether licensed as private hire or hackney carriage) The records must include:

- Name and home address of the driver
- The dates the driver commenced fulfilling bookings from the PHO and the date the driver ceased taking bookings from the PHO (where applicable).
- A copy of the driver's current private hire or hackney carriage driver licence including the expiry date of that licence.
- A system in place to ensure that driver is allocated any work once the driver's licence has expired

**C3:** Adopt, implement review and update a Customer Service and Complaints Policy which includes conduct of drivers and the timeframe for responding to complaints, the following are specific requirements in relation to the handling of complaints:

- Record in writing or digitally every complaint received against its service (including any driver/ vehicle complaints) and details of the outcome of the complaint/ action taken including details of the licence holder(s) identified as the subject of the complaint.
- Investigate the complaints and provide a response to the complainant outlining the findings of the investigation and any action taken.
- Where the operator has concerns regarding the conduct of a licence holder or a pattern of complaints, this should be notified to the Council by email and a copy of the email kept in the complaints record.
- Where a complaint has not been resolved 14 days after receipt, the operator shall within the next 7 days (following the 14 days) notify the Council in writing (email will suffice) of the complaint and the findings/outcome of the investigation.
- Take additional action as required by licence condition C4 in respect of complaints that fall within the category listed in respect of C4.

**C4:** Notify the Council immediately by email (or in any case within 24 hours) of any complaints, police enquiries or notification of convictions involving any driver that is registered to carry out bookings for the operator which relates to matters of a sexual nature, dishonesty, indecency, violence or threats of violence, equality or drugs, serious motoring offences.

In accordance with the above requirement provide at the time of any such notification to the Council the identity of the driver involved and the nature of the complaint/enquiry including the



complainant's details. This notification to the Council must take place regardless of whether the operator ceases any contractual arrangement with the driver.

**C5:** Provide a copy of the complaints record every six months to the Council. This shall be in the form of a copy of the complaint log required as per licence condition C3 detailing all complaints received, licence holders identified as the subject of the complaint and action taken. The report should be provided no later than one month after the end of the reporting period. **Currently state notify Council within 7 days of any complaints.**

**C6:** Keep a written record (manual or digital) of lost property that is handed to them by drivers or passengers. The record must include the date the item is handed to the Operator, details of where it was found and a description of the property, and if it was claimed claimant contact details. The log must always be available for inspection by an Authorised Officer and any information entered onto the record must be kept for a period of 12 months from the date of entry.

**Securely store lost property for a period of 6 months, after which time it should be disposed of in a secure manner, or if appropriate donated to charitable purposes.**

**C7:** Keep all records and make them immediately available to authorised officers on request for a period of not less than 12 months following the date of last entry.

## **D – Convictions**

**D1:** Provide a DBS basic disclosure to the Licensing office on an annual basis. Where the applicant/private hire operator is a company or partnership, each director/partner will be required to comply with the requirements of the basic disclosure de-scribed in the paragraph above.

The above requirement will not be enforced in respect of any operator who currently holds a hackney carriage/ private hire drivers' licence issued by Mid Suffolk or Babergh District Council.

**D2:** Within 48 hours notify the council in writing (email will suffice) providing full details of any conviction, fixed penalty, binding over, caution, charge or arrest for any matter (whether or not charged) imposed on him/ her during the period of the licence.

## **E – Safeguarding**

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**E1:** Require all individuals working/involved in bookings and or dispatching vehicles or having contact with private hire users (paid/unpaid) for the business, to provide the operator with a basic DBS disclosure dated within 1 month of the start date of employment/placement in the operator premises.

**E2:** Require existing individuals working/involved in bookings and or dispatching vehicles or having contact with private hire users (paid or unpaid) for the business, to provide the operator with a basic DBS disclosure without delay and in any event within 1 month of the date of grant of this licence.

**E3:** Have a documented safeguarding policy in place that details:

- training provided in respect of safeguarding
- how to report matters of concern regarding safeguarding
- recruitment and suitability policy on employing/ volunteers who are ex-offenders and consideration of matters detailed in a DBS
- whistleblowing policy

The policy shall be implemented, reviewed and updated as necessary.

**E4:** Keep up to date records of all individuals working/ involved in any capacity (paid or unpaid) for the business as follows:

- Full Name
- Address
- Date of Birth
- Contact Details (Phone and Email)
- DBS issue date and certificate number (in respect of persons falling within the definition of condition E1 and E2 above)
- Start and finish dates of employment
- Job Title

## **F – Premises and Equipment**

Where the private hire operator has a premises to which the public have access, they shall:

**F1:** Provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular: -

- Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- Ensure that any waiting area provided by the operator has adequate seating facilities.
- Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

**F2:** Ensure all reasonable precautions are to be taken to ensure that activities within the Operator's office and from licensed vehicles do not create a nuisance to others.

**F3:** Shall obtain and maintain in force at all times a public liability insurance policy in respect of their premises to which the public have access and produce the same to an authorised officer on request.

**F4:** Display the following at their premises at all times:

- A copy of the current Operator Licence.
- A schedule of fares.
- Information provided by the Council in respect of passenger information.
- A copy of the public liability insurance policy certificate.

The above shall be displayed in a prominent position, where the public have access and, where it can be easily read.

If the Operator has a website and/or uses Application based technology to attract bookings, the notices listed above must also be available to view on the relevant website.

## APPENDIX G – CONVICTIONS POLICY

### Drivers

When applying for a licence to drive a hackney carriage or a private hire vehicle, or to renew such a licence, applicants are required to declare on the application form **ALL** previous convictions, cautions, penalties and motoring endorsements they may have received, with the exception of protected cautions and convictions which are detailed below. Applicants are also required to declare any on-going criminal investigations, prosecutions, or similar legal proceedings of which they are the subject.

Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, therefore convictions which would ordinarily be considered 'spent' must be declared and may be considered in the determination of the application.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) introduced new categories of 'protected cautions' and 'protected convictions', which mean that no protected cautions or convictions will appear on an enhanced DBS and as such do not need to be disclosed.

### Protected Cautions

A caution is a protected caution if:

- The person was under 18 years at the time the caution was given
- The person was 18 years or over at the time the caution was given, it was given to a person for an offence other than a listed offence, and 6 years or more have passed since the date on which the caution was given

### Protected Convictions

A conviction is a protected conviction if:

- The person was under 18 years at the time of the conviction, 5 years and 6 months or more have passed since the date of the conviction
- The person was 18 years or over at the time of the conviction, 11 years or more have passed since the date of the conviction
- The conviction cannot have been for a listed offence
- The sentence did not involve custody or service detention

NB: The reference to “listed offence” is as per list detailed in the current Rehabilitation of offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and 2020. The “listed offences” for the purposes of protected cautions and convictions is subject to change and is therefore not detailed in this policy. Further information can be found at [List of offences that will never be filtered from a DBS certificate - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/list-of-offences-that-will-never-be-filtered-from-a-dbs-certificate)

Upon initial application, all driver applicants will be required to obtain an enhanced level disclosure from the Disclosure and Barring Service (DBS). This level of disclosure includes details of spent convictions and police cautions, (with the exceptions as detailed above) as well as any non-conviction information deemed relevant to the application. This level of check is considered appropriate as a licensed driver may be left in sole charge of passengers under 18 years of age or other vulnerable adults, at any time and without prior knowledge.

As well as applying for an enhanced DBS disclosure, a driver applicant is required to sign up and maintain subscription to the to the DBS update service. Once subscribed, the applicant will not be required to obtain a further enhanced DBS disclosure unless a check on the online update service reveals a change in status to the disclosure.

The Council will undertake 6 monthly online checks on the status of all licensed drivers DBS disclosures/ certificates.

Where a change in status of a disclosure is indicated a licensed driver will be required to submit a further enhanced disclosure, this may be at renewal or during the duration of a current licence.

### **Vehicle Licence Holder/Proprietors**

There is no explicit requirement within legislation for vehicle licence holders (proprietors) to be fit and proper however the Council has absolute discretion over granting a vehicle licence (hackney and private hire) and will therefore undertake a variety of checks before issuing a vehicle licence.

There needs to be public trust and confidence in the standards applied by the Council and as part of this process, applicants for vehicle licences will be required to complete a basic disclosure.

The exception to this is there is no such requirement for licensed drivers to undertake such checks in respect of vehicle licences, as licensed drivers have already been subject to enhanced DBS disclosures and 6 monthly checks on the online DBS update service.

Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities:

- They must ensure that the vehicle is maintained to an acceptable standard at all times
- They must ensure the vehicle is not used for illegal or illicit purposes

It is recognised that some vehicle licence holders rent their vehicle to a licensed driver, in such circumstances the vehicle licence holder must ensure that they have adequate management control systems in place to ensure that the vehicle is properly maintained, they cannot pass all responsibility to the licensed driver.

Vehicle licence holders that fail to maintain their vehicle in a satisfactory condition are likely to be given rise to considerations in respect of whether the licence holder is suitable to hold a vehicle licence.

In addition to vehicle maintenance standards, the disclosure of any convictions, cautions, reprimands, investigations etc. will be taken into account in determining an application and the relevant considerations are listed in the relevance of convictions, cautions, reprimands and conduct listed below.

Where vehicle licence applicant(s) have more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to hold a licence. Similarly, a single serious conviction which could undermine public safety will be sufficient cause to refuse a vehicle licence application and revoke or suspend an existing vehicle licence holder.

### **Private Hire Operators**

In performing their duties private hire operators obtain and hold considerable amounts of personal and private information about their passengers, which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or unacceptable purposes.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, private hire operators, including directors and shareholders are required to submit upon

application, a basic level DBS certificate, private hire operator licence conditions require a new certificate is provided every 12 months. The Council will have regard to the standards applied to licensed drivers with the following exceptions:

Information disclosed on an enhanced DBS (as part of a PH/ HC driver application/ licence) will not be considered in respect of the private hire operator licence unless such information is revealed on a basic disclosure i.e. unspent convictions.

Where applicant(s) have more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to hold a licence. However, in respect of applicants for or holders of a private hire operator's licence regard will also be had to the criteria list below and how any conviction or other conduct matter could be considered relevant to the role of private hire operator.

Isolated motoring offences may have less relevance to public safety in respect of a private hire operator role, however an applicant for or holder of a private hire operator's licence with a pattern of motoring offences may still give rise to concern as it would demonstrate a general lack of regard for public safety, a consideration which may reflect into other elements of their role as a private hire operator.

The previous business conduct of a private hire operator may also be considered when determining whether a person is fit and proper to be a private hire operator, a person who has been bankrupt, investigated for financial irregularities or other similar conduct will have such conduct considered as part of the fit and proper test. The considerations given to such matters will depend on the factors listed in the relevance of convictions, cautions, and conduct below.

## **General Policy**

As a general rule, the Council will expect applicants (drivers, vehicle, and operators) for licences and licence holders to be free from previous convictions, cautions and be of good conduct. However, a person with convictions or cautions will not be excluded from holding a licence but should be expected to have:

- Remained free of conviction for an appropriate period and
- Shown adequate evidence of good character from the time of conviction.

Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

Particular regard will be had to any failure to accurately complete an application (whether that be a new application or renewal). This may give rise to serious concerns regarding an applicant's honesty, for example failure to disclose a relevant matter regarding conduct or the previous suspension/revocation of licences will likely result in the refusal to grant a licence.

Each case will be decided on its own merits. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

On application to renew a licence, if no further convictions have been received since the previous application was considered, the Council will not consider it necessary to review convictions considered on the previous application. However, in cases where new convictions, or other relevant information has been received, all convictions may be taken into consideration, even if they have been previously considered.

### **Relevance of Convictions, Cautions and Conduct**

In determining the relevance of a conviction, offences or cautions, relevant to applicants for and holders of driver, vehicle and operator licences, consideration will be given to the nature and seriousness of the offence involved, the period of time elapsed since the event and the applicant's/licensees conduct subsequent to that.

In circumstances where previous convictions, cautions or other information relating to criminal matters is disclosed, the Council, will have regard to the following:

- The relevance of the offence(s) or other matters revealed in the application.
- The seriousness of any offence(s) or any other matter revealed.
- The class/nature of the offences(s).
- The age of the offences(s).
- The age of the person at the time of the offence(s).
- Whether the disclosure reveals a pattern of behaviour.
- Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters; and



- Any other information that is deemed appropriate for consideration in determining whether the person is a 'fit' and 'proper' person.

In addition to the above, the Council is also entitled to use all other records and information available to it in determining applications or entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities and information held by the police.

The overall offending history will be considered when assessing a person's suitability to be licensed or to continue holding a licence.

Where the applicant has been convicted of a criminal offence the Council cannot and will not review the merits of the conviction. It is noted that cautions are not convictions, but rather are an admission of guilt to a criminal matter. The Council may have regard to cautions when considering an application, and will take the following matters into consideration:

- The nature of the offence
- Any history of related cautions or convictions
- The guidelines applying to convictions of that category.

The issue of summons or the arrest and release on bail with or without charge can indicate that there has been an event which may cause the Council to review the suitability of an applicant or a licensed holder to hold a licence.

Although some specific guidelines on the relevance of convictions are contained in the following sections for examples of offences to which the Council will pay particular regard, the Council will give equal consideration to offences falling outside of these categories and the examples given. Offences of a similar nature or differently entitled in any statutory provision, modification or re-enactment will be considered in accordance with the guidelines.

The specific time periods detailed below are stipulated in the Department for Transport Statutory Taxi and Private Hire Vehicle Standards and should be regarded as a minimum period in considering whether a licence should be granted or renewed. The view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### **Crimes resulting in death**

Babergh & Mid Suffolk Hackney and Private Hire vehicle policy draft 2024

Version XX.0

25/1/24

Presented by: Babergh and Mid Suffolk Licensing Team

Effective from xxx 2024 to xxx 2029

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

### **Exploitation**

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

### **Offences involving violence against the person**

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

### **Possession of a weapon**

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

### **Sexual offences**

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the sex offenders register or on any barred list.

### **Dishonesty**

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Drugs**

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

### **Discrimination**

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Motoring convictions**

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

### **Drink driving/driving under the influence of drugs**

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### **Using a hand-held device whilst driving**

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

### **Other Motoring Offences**

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

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

### **Hackney carriage and private hire offences**

Where an applicant / licensee has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Vehicle use offences**

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

## **APPENDIX H – Penalty Points Scheme**

### **Purpose**

Hackney carriage and private hire licences are issued by the Council, pursuant to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. The 1976 Act prohibits the Council granting a licence to a person unless it is satisfied that the person is ‘a fit and proper person’. Drivers, operators and vehicles are also subject to the Council’s own licence conditions and policies.

The Penalty Point Scheme (the Scheme) allows minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the licensing committee. This system allows the Council to provide greater consistency in enforcement and make better use of the licensing committee’s time.

The primary objective of the Scheme is to improve levels of compliance and standards within the trade to ensure the safety of the travelling public.

### **Imposition of points**

Penalty points issued will be at the discretion of the investigating officer and in accordance with the penalty point table. In addition, Police and other Local Authority Officers may refer taxi misdemeanours, along with the appropriate evidence to the Council’s Licensing Service which, in the Council’s discretion, could result in the issuing of points.

Points may be issued arising from complaints from other third parties such as members of the public. Complaints will be investigated in line with 5.3 of the Compliance and Enforcement section of this policy.

The imposition of penalty points against a driver who is an employee will not necessarily result in the additional imposition of points to his/her employer or operator. However, points may be issued to one or more parties for a single contravention if the circumstances warrant it, i.e. where it is considered there is joint responsibility for the contravention.

Points may also be used in lieu of a written warning, for example if an applicant’s criminal disclosure reveals matters which are not sufficiently serious to warrant regulatory sanction.

Points issued under this Penalty Point Scheme will remain on the record from the date of the incident for a minimum of 3 years for drivers and a minimum of 5 years for private hire operators.

The accumulation of 12 or more points within the above periods, will trigger a review of the conduct of the licensee by the Licensing Committee and whether further action is necessary to address concerns. For example, suspension, revocation or additional training may be required.

A review of the licensee may also be necessary if points are incurred in a short period but have not reached the above threshold. For example, a rapid accumulation of points may indicate deteriorating standards or increasingly unsatisfactory conduct.

The penalty point process will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation and regulations.

### **Appeal of points**

Notification that points have been given will be sent in writing to the licence holder and, where appropriate, a copy will be sent to their vehicle proprietor or operator within 7 days of the decision.

The award of points can be appealed to the Licensing Regulatory Committee and this should be done within 21 days of being notified of the award of points. Appeals must be made in writing to [licensingteam@baberghmidsuffolk.gov.uk](mailto:licensingteam@baberghmidsuffolk.gov.uk)

The Licence holder can attend this meeting and address the Committee. The Committee will make a decision based on evidence. The determination of the Licensing Regulatory Committee is final; there is no further right of appeal to the Magistrates Court.

**Please note – it is important to exercise the right of appeal if the licence holder does not believe the points should have been awarded and wishes to challenge the evidence that resulted in the award of points. It is important to note that the Licensing Committee, in addition to dismissing or upholding the appeal, have the discretion to award a lesser or greater number of points than displayed on the Penalty Point Table.**

## Penalty Point Table

	<b>Offence/Breach of Conditions</b>	<b>Points Applicable</b>	<b>Driver and/or vehicle proprietor</b>	<b>Operator</b>
1.	Failure of a proprietor to retain in their possession copies of any hackney carriage driver's licence that permits them to drive their vehicle	3	x	
2.	Failure of a proprietor to produce on request by an authorised officer any hackney carriage driver's licence for whom he has permitted to drive his/her vehicle	3	x	
3.	Failure to display or maintain external plate as issued by the Council or displaying them incorrectly.	4	x	
4.	Failure to display the internal licence disc	4	x	
5.	Refusal to take a fare without a reasonable excuse	4	x	x
6.	Carrying persons other than with the consent of the hirer	6	x	
7.	Driver leaving a hackney carriage unattended	4	x	
8.	Hackney carriage driver obstructing other hackney carriages	4	x	
9.	Failure to notify the transfer of a vehicle licence	3		x

10.	Failure to present a hackney carriage or private hire vehicle for inspection upon request	6	x	x
11.	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3	x	x
12.	Failure to report an accident to the Council within 72 hours	6	x	x
13.	Failure to produce the vehicle and/or insurance upon request	6	x	x
14.	Failure to produce a driver's licence upon request	6	x	
15.	Failure to carry/display a driver's badge	3	x	
16.	Failure of a private hire operator to keep proper records of all bookings and driver and vehicle licences, or failure to produce them upon request of an authorised officer of the Council or a police officer within reasonable time / or time specified	4		x
17.	Failure of a private hire operator to produce licence upon request	4		x
18.	Permitting a private hire vehicle to wait on a hackney carriage rank	6	x	
19.	Unnecessarily prolonging a journey	8	x	



20.	Obstruction, failure to give information or assistance or failure to comply with a requirement of an authorised officer of the Council or a police officer	6	x	x
21.	Concealing or defacing a vehicle licence plate	6	x	
22.	Failure to attend or attend on time for a pre- arranged appointment at the request of the Council without reasonable cause	4	x	x
23.	Failure to give reasonable assistance with passenger's luggage	3	x	
24.	Operating/using a vehicle that is not properly maintained internally /externally 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 12	x	x
25.	Smoking in the vehicle, including the use of electronic cigarettes, at any time 1 <sup>st</sup> offence 2 <sup>nd</sup> offence 3 <sup>rd</sup> offence	3 + FPN 12 + FPN 12 + P	x	
26.	Causing excessive noise from any radio or sound-reproducing equipment which annoys anyone either in or outside the vehicle	3	x	
27.	Playing of a music radio or other sound producing equipment without the express permission of the passenger(s)	3	x	

28.	Sounding the horn to signal that the vehicle has arrived and so causing a potential disturbance	3	x	
29.	Parking a hackney carriage vehicle or private hire vehicle illegally so as to cause an obstruction to other road users	4	x	
30.	Failure to provide a receipt for a fare when requested	3	x	x
31.	Failure to notify the Council of relevant change to licence details within the time specified in the associated licence conditions	3	x	x
32.	Failure to produce a hackney carriage or private hire licence upon request	3	x	x
33.	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	3	x	
34.	Failure of a private hire operator to request and keep a copy all driver's licence in his employ at the beginning of employment	3		x
35.	Modifying a licensed vehicle without the consent of the Council	6	x	
36.	Affixing or displaying a roof sign on a private hire vehicle or failure to affix a roof sign to a Hackney Carriage Vehicle	4	x	

37.	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Council	6	x	x
38.	Using a taximeter that does not conform to Council requirements	6	x	
39.	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times	3		x
40.	Failure of a private hire operator to keep the operating premises in accordance with Council requirements	3		x
41.	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access	6		x
42.	Allowing a hackney carriage vehicle to be driven without a top sign	3	x	
43.	Smoking or allowing smoking in an operator's premises 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 12	x x	
44.	Driver allowing a customer to smoke, including the use of an electronic cigarette, in a licensed vehicle	6	x	
45.	Illegal or inappropriate parking such as to cause an obstruction to pedestrians and /or other road	4	x	

	users			
46.	Unacceptable standard of driving, witnessed by authorised officer or police officer	6	x	
47.	Late application for the renewal of a licence	6	x	x
48.	Failure to produce the tariff or advise of charges when requested by the hirer	3	x	
49.	Unsatisfactory appearance of the driver or not conforming to the dress code	4	x	
50.	Failure of private hire operator / driver to honour a booking without a reasonable excuse	6	x	
51.	Dropping off or picking up a fare in an inappropriate place such as to cause an obstruction or nuisance to other road users	4	x	
52.	Failure to carry plate exemption notice in the vehicle	6	x	
53.	Failure to notify the Council of having been arrested, cautioned or charged for an offence or being the subject of a criminal investigation within 48 hours of the said action	6	x	
54.	Failure to notify the Council of a change in contact details where such failure results in the Council being unable to contact you directly 1 <sup>st</sup> offence 2 <sup>nd</sup> offence 3 <sup>rd</sup> offence	3 6 9	x	x

55.	Failure to provide a DBS when requested	6	x	x
56.	Failure to notify the Council of a named driver	6	x	x
57.	Failure to supply to the Council insurance for a named driver	6	x	x
58.	Unacceptable behaviour or conduct by a licence holder	6	x	x
59.	Carrying food and or drinks in a vehicle as part of a separate delivery without the express consent of the hirer	4	x	

**Authorised Officer** - means a member of the Council authorised under its scheme of delegation to carry out matters relating to the enforcement of legislation and the Council's policy in relation to hackney carriage and private hire drivers, operators, proprietors and vehicles.

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**Implementation of the Scheme** - The Scheme will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Scheme may be made without consultation.

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# Mid Suffolk District Council

## Hackney Carriage, Private Hire Operator, Vehicle & Driver Policy

2022-2025

### Introduction and the Role of the Licensing Authority

This is the third review of the Hackney Carriage and Private Hire Vehicle Policy for Mid Suffolk District Council and the first time that an aligned policy for Babergh and Mid Suffolk District Councils has been published.

Taxis and Private Hire Vehicles have a specific and important role to play in an integrated transport system both locally and in linking users with longer distance services such as rail. They play a critical role where public transport is limited (for example in rural areas or outside “normal” hours of operation), and for those with mobility difficulties.

The aims of the licensing authority are to provide a uniform set of standards and expectations for the taxi and PHV trade, to protect the public in terms of safety and security and ensure that there is reasonable access to taxi and PHV services for all users. It is important that the Authorities’ taxi and licensing powers are used to ensure that taxis and PHVs in the district are safe, comfortable, properly insured and available where and when required.

In producing this aligned policy, the Licensing team have had regard to the Statutory Standards published by the Department of Transport in July 2020. We recognise our responsibilities in ensuring that children and vulnerable adults are safe when travelling by taxi or private hire vehicles and we work closely with partner agencies such as the Police and Suffolk County Council to fulfil these, as well as ensuring timely and appropriate responses to complaints about the taxi and PHV trade.

This first combined policy brings in some changes. There are new requirements for driver training and refresher training and a move towards a greener taxi and PHV fleet. Nothing in this Policy will result in the immediate revocation of a licence; Mid Suffolk will allow a reasonable period of time for compliance and where changes present difficulties to the trade these will be considered on a case-by-case basis. However, safety of the travelling public is our priority and where failure to adhere to the Policy might compromise this, for example with regard to Safeguarding of children and vulnerable adults, avoidable delays will not be tolerated.

In this Policy the Council shall refer to Mid Suffolk District Council in respect of their licensed area (controlled zone).

## Foreword by Councillor Jessica Fleming

“ On behalf of the residents of Mid Suffolk, I as the respective Portfolio Holder for Licensing welcome the new policy and recognise the important role that Hackney Carriage and Private Hire vehicles play in enabling people to travel both locally and more widely through linking with rail and longer distance buses. The confidence of the travelling public is vital to the success of this service and is the main intended outcome of this policy.

Taxi and PHV drivers themselves have a key role as ambassadors for the Council and their customers rightly expect that in using licensed vehicles they will be transported in comfort and safety and be charged fairly.

The new Policy recognises the importance of the trade to the district and aims to support the needs of drivers and operators as well as the travelling public.

The Policy has been the subject of a wide consultation during summer 2021 with good levels of response from both user groups and service providers, and the new Policy reflects these comments as well as input from the District Licensing Committee.

I am grateful to all those who contributed to this document.

”



## Contact Details

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# PART 1: HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER POLICY

## 1. DEFINITIONS

### 1.1 DEFINITIONS

1.1.1 Unless otherwise stated 'the Council' refers to the relevant District Council, the 'Driver' is a person holding and acting in accordance with a Driver's Licence issued by the Council and 'Vehicle' is a Hackney Carriage, or Private Hire Vehicle licensed by the Council.

### 1.2 FIT AND PROPER PERSON TEST

1.2.1 All drivers must satisfy the Council that they are a fit and proper person to be granted a driver's licence and must remain a fit and proper person for the duration of said licence. The fitness and propriety of a driver will be monitored/assessed throughout the validity of the licence.

1.2.2 Applicants are expected to act with honesty and integrity throughout the application process and must fully and accurately disclose any information that is requested/required. This includes information regarding previous convictions, arrests, warnings, reprimands, licence refusals, suspensions or revocations, current investigations and pending criminal proceedings.

1.2.3 In order to assess the suitability of an applicant the Council will undertake all checks deemed necessary to ensure that licences are not issued to and used by those that are unsuitable for the trade. In assessing the suitability of an applicant or the continued suitability of a licence holder, the Council will take into consideration the following factors:

- Period of holding a driver's licence
- Criminal history
- Medical Fitness
- Number of endorsed driving licence penalty points
- Knowledge of the local area
- General Conduct/standards of behaviour
- Right to work

In addition to these factors the Council will also consider other factors and/or further information sources such as the Police, Children & Adult Safeguarding, other Councils and Statutory Agencies.

## 2. DRIVER APPLICATION REQUIREMENTS

### 2.1 DISCLOSURE AND BARRING SERVICE CHECK

2.1.1 A Disclosure and Barring Service (DBS) Check is a vital component of assessment in regard to the driver being a fit and proper person.

2.1.2 The Council will only accept DBS certificates which are applied for through the Council's DBS checking system. However, a DBS certificate issued by another local Council will be accepted if it has been printed within the last four weeks, is to an enhanced level and has been processed in relation to other workforce employment (including the barred, children and adult lists).

2.1.3 Once a licence has been granted to an applicant the licence holder is required to register with the DBS update service and provide the Licensing team with a code to allow the team to check the licence online annually. Any applicant who has not registered for the DBS Update Service will be required to undergo an annual DBS check at cost to the applicant.

## **2.2 REHABILITATION OF OFFENDERS ACT**

- 2.2.1 The Council is entitled under the Rehabilitation of Offenders Act 1974, as amended by the Rehabilitation of Offenders Act 1974 (exceptions) (Amendment) Order 2002, to consider relevant spent convictions when determining the 'fit and proper' person status of Hackney Carriage/PHV driver applicants.
- 2.2.2 Each case will be considered on its own merits, and applicants/licensees are entitled to a fair and impartial consideration.

## **2.3 CRIMES RESULTING IN DEATH**

- 2.3.1 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person that individual shall not be licensed.

## **2.4 EXPLOITATION ETC.**

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

## **2.5 SEXUAL OFFENCES**

- 2.5.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity a licence shall not be granted.
- 2.5.2 In addition to this matter the licensing authority shall not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

## **2.6 OFFENCES INVOLVING VIOLENCE AGAINST THE PERSON**

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

## **2.7 DRUGS**

- 2.7.1 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 2.7.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 2.7.3 In these circumstances, any applicant will have to undergo drugs testing for 6 months at their own expense to demonstrate that they are not using controlled drugs.

## **2.8 POSSESSION OF A WEAPON**

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

## **2.9 DISHONESTY**

2.9.1 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **2.10 DISCRIMINATION**

2.10.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **2.11 DRINK DRIVING/DRIVING UNDER THE INFLUENCE OF DRUGS**

2.11.1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.

2.11.2 In these circumstances, any applicant will have to undergo drugs testing for 6 months at their own expense to demonstrate that they are not using controlled drugs.

## **2.12 USING A HANDHELD DEVICE WHILST DRIVING**

2.12.1 Where an applicant has a conviction for using a handheld mobile telephone device or a handheld device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the latter.

## **2.13 MOTORING CONVICTIONS**

2.13.1 Hackney Carriage and Private Hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple or serious motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

2.13.2 A conviction or caution for reckless driving or driving without due care and attention etc. will normally merit at least a warning as to future driving conduct and advice on the standard expected of Hackney Carriage and PHV drivers. More than one conviction/caution for this type of offence within the last 2 years will normally merit refusal and the grant of a licence should not normally be considered until a period of at least 3 years, free from convictions/cautions/endorsements, has elapsed.

2.13.3 Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## **2.14 PERSISTENT CRIMINALITY**

2.14.1 Due to potential risks to the public, applications from persons with a persistent record of criminality, where the record suggests a persistent lack of regard for the well-being of others or for their property, would normally be refused.

## **2.15 MEDICAL CHECK**

- 2.15.1 All applicants shall provide a completed medical examination form supplied by the Council. This form must be completed by the applicants own General Practitioner or by a General Practitioner who has access to the applicant's full and complete medical records. All applicants shall be assessed to Group 2 medical standard.
- 2.15.2 The Council may require applicants and licence holders to undergo further medical or occupational assessments when deemed necessary.
- 2.15.3 Where there is any doubt as to the medical fitness of the applicant the Council may make further enquiries to the General Practitioner or specialists before determining an application.
- 2.15.4 Medical examination forms will be required every three years unless the General Practitioner states more frequent examination is necessary due to an ongoing medical condition that could impact the applicants driving capability. At 65 years of age annual examinations will be required.

## **2.16 CONTINUED MEDICAL FITNESS**

- 2.16.1 Licence holders must advise the Licensing Team without delay of any worsening medical condition or other change in their health that may affect their driving. If a licensed driver develops a medical condition that fails to meet DVLA group 2 medical standards of fitness to drive (note this is a higher standard than that required to hold an ordinary driving licence), the driver must surrender their licence to the Council. The licence and badge will be retained by the Licensing Team until a General Practitioner assesses that the driver meets the fitness criteria to continue driving.

## **2.17 DVLA CHECK**

- 2.17.1 All new applicants and licensed drivers of a Combined Hackney Carriage/Private Hire Driver's Licence are required to obtain a code from the DVLA under the share my driving licence service (please see information leaflet provided). This code must be provided annually to allow the Council to check the applicant's driving history.

## **2.18 KNOWLEDGE TEST**

- 2.18.1 All new applicants for a Combined Hackney Carriage and Private Hire Driver's Licence will need to obtain a pass certificate for the Council's Knowledge Test. The tests are based on the applicant's knowledge of the requirements of being a driver and the local area.
- 2.18.2 Applicants will be permitted a maximum of five opportunities to pass the knowledge test and if a pass is not obtained the applicant will be required to wait for 12 months before retaking the assessment.

## **2.19 TRAINING**

- 2.19.1 All new applicants are required to undertake the BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver. This training is to be carried out at the drivers' expense and a pass certificate presented to the Council prior to acquiring a Combined Hackney Carriage & Private Hire Driver Badge. Refresher training will be required on a three-yearly basis. Drivers will be advised by the Licensing Team when refresher training is due.
- 2.19.2 All existing drivers on renewal will be expected to undertake the BTEC Level 2 in an Introduction to the Role of a Professional Taxi and Private Hire Driver course and this training is to be carried out at the drivers' expense. A pass certificate must be presented to the Council within six months of the renewal of their Combined Hackney Carriage & Private Hire Driver Badge. Refresher training will be required on a three-yearly basis. Drivers will be advised by the Licensing Team when refresher training is due.
- 2.19.3 There are no formal entry requirements for this course, but all applicants will be required to have a good understanding of English.



2.19.4 The BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver will incorporate disability awareness and safeguarding.

## 2.20 FOREIGN NATIONALS

2.20.1 Applicants born outside of the UK and resident in the UK for less than 5 years, who are not a British Citizen will need to provide to the Council a Certificate of Good Conduct which details if the applicant has a criminal record in their own country. This certificate can be obtained from the Embassy, Consulate or High Commission of the Country. If these certificates cannot be obtained in English, they must be translated by an official translator who will be expected to sign a declaration that to the best of their knowledge the information is correct.

2.20.2 A DBS check will also be undertaken along with a Home Office referral to ascertain if the applicant has the right to work within the UK. Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

## 2.21 NATIONAL REGISTER OF LICENCE REVOCATIONS AND REFUSALS

2.21.1 The Council has access to the National Register of Licence Revocations and Refusals in order to check if an applicant has previously had a licence refused or revoked by another local authority.

## 2.22 TAX CHECKS ON LICENCE APPLICATIONS AND RENEWALS

2.22.1 From the 4 April 2022 all applicants will need to carry out a tax check. The Licensing team will be required to obtain confirmation from HMRC that the applicant has completed the check before being able to consider the application.

# 3. CONDUCT OF ALL DRIVERS

## 3.1 GENERAL CONDUCT

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

3.1.2 The driver when hired to drive to a particular destination shall proceed to that destination by the shortest/quickest route.

3.1.3 The driver shall not convey or permit to be conveyed in a vehicle any greater number of persons than the number of persons indicated on the Vehicle Licence.

3.1.4 All reasonable assistance will be afforded to passengers with luggage.

3.1.5 The driver is expected to exercise due care and attention at all times whilst undertaking their duties.

3.1.6 The driver shall at no time cause or permit the noise emitted by any radio or other device in the vehicle which they are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

3.1.7 All reasonable assistance will be afforded to passengers with disabilities.

## 3.2 DRIVER DRESS CODE

3.2.1 It is recognised that the taxi trade, both Hackney Carriages & Private Hires, play an important role in portraying a positive image of Babergh & Mid Suffolk and they are seen as key ambassadors for the Districts. Therefore, the driver shall at all times be clean and respectable in their dress and person and behave in a civil and orderly manner befitting public service.

## 3.3 CARRYING OF DRIVER'S BADGE Page 129

- 3.3.1 A driver shall at all times carry whilst in the course of their duty the driver's badge which must display a passport style photograph for identification purposes. This badge must be shown, if requested, to the hirer of the vehicle to any authorised Officer of the Council or Police Officer for the purpose of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.3.2 The badge shall be held in accordance with the requirements of these conditions, and should a driver's badge be lost, stolen, or defaced then the driver must notify the Council and seek the issue of a replacement without delay. A replacement badge will incur a cost to the driver.

### **3.4 SMOKING, EATING AND DRINKING**

- 3.4.1 The driver must not smoke or vape in a licensed vehicle, even when it is not being used for hire or reward.
- 3.4.2 The driver shall not eat in the vehicle unless they have a medical need.

### **3.5 MOBILE PHONES AND HANDSFREE DEVICES**

- 3.5.1 No mobile phones save for 'hands free' kit shall be used whilst the driver is driving the vehicle. Use of any handheld mobile phones or similar device whilst driving is prohibited by law.

### **3.6 LOST PROPERTY**

- 3.6.1 The driver shall after every hiring search the vehicle for any property which may have been accidentally left therein.
- 3.6.2 The driver shall, if any property is accidentally left within their vehicle, retain the property within the vehicle or at the operator's office for a reasonable period.

### **3.7 CONVICTIONS, CAUTIONS, CHARGES AND ENDORSEMENTS**

- 3.7.1 The driver shall within 48 hours disclose to the Council, in writing, details of any arrest and release, charge, driving licence endorsements, conviction or caution imposed on them during the period of the licence. It should be noted that the Police may notify the Council of relevant information or convictions.
- 3.7.2 The Council may suspend, revoke, or refuse to renew a driver's licence should this condition not be complied with.
- 3.7.3 A decision to refuse or revoke a licence where an individual is thought to present a risk of harm to children or vulnerable adults will be referred to the Disclosure and Barring Service.

### **3.8 DRIVING STANDARDS**

- 3.8.1 The expectation of the Council is that all drivers shall drive to a high standard remaining professional at all times. An existing licensed driver may be required to undertake a further driving assessment in certain circumstances:
- Obtaining 9 or more penalty points on their DVLA driving licence
  - One serious or three minor fault accidents within a one-year period
  - Serious complaint(s) about driving standards

This list is not exhaustive and there may be other reasons for requiring an existing licensed driver to undertake an assessment. In all instances, a driver will receive a letter explaining the reasons for an assessment and will be required to deposit their badge to the Council. This assessment must be completed, and a certificate provided to the Council before the driver is permitted to continue driving their vehicle at which point the badge will be returned.

- 3.8.2 If the driver fails to comply with the request for an assessment, the matter will be referred to the Licensing Sub-Committee for it to determine whether the driver remains fit and proper to hold a licence.

### **3.9 CHANGE OF ADDRESS AND CHANGE OF OPERATOR**

- 3.9.1 The driver shall notify the Council in writing of any change of their address or any change of Operator during the period of the licence within 7 days of any such change.

### **3.10 RETURN OF BADGE**

- 3.10.1 The driver shall upon the expiry, revocation, or suspension of this licence, immediately return to the Council the Driver's badge issued to them by the Council when granting this licence.

### **3.11 ANNUAL DECLARATIONS**

- 3.11.1 The driver will be sent a declaration form annually that is required to be completed and returned to the team 14 days prior to their renewal date.
- 3.11.2 Failure to return this form will begin a two-step process. Firstly, a reminder letter will be sent to request that if the driver wishes to continue to be licensed, they have an additional 14 days in which to provide their declaration and fee to the team to allow for postal delays. If the declaration is not provided the driver is then sent a letter to inform them the licence will lapse until payment is made to reinstate it.

## **4. ADDITIONAL ASSISTANCE REQUIREMENTS**

### **4.1 PASSENGERS WITH ASSISTANCE DOGS**

- 4.1.1 The Equality Act 2010 requires Hackney Carriage proprietors and Private Hire Operators to carry guide, hearing and other assistance dogs for disabled passengers and must do so at no extra charge.

### **4.2 PASSENGERS WHO ARE WHEELCHAIR USERS**

- 4.2.1 Section 165 of the Equality Act 2010 states that a driver of a designated wheelchair accessible vehicle is required to undertake the following duties:
- a. to transport the passenger whilst in the wheelchair;
  - b. not to make any additional charge for doing so;
  - c. if the passenger chooses to sit in a passenger seat to carry the wheelchair;
  - d. to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - e. to give the passenger such mobility assistance as is reasonably required and that they are competent to provide
- 4.2.2 A driver of a wheelchair accessible vehicle must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
- 4.2.3 Before any movement of the vehicle takes place, the driver must ensure that a passenger travelling in their wheelchair is wearing a seatbelt unless the passenger is exempt and ensure the brakes of the wheelchair have been applied.

### **4.3 MEDICAL EXEMPTIONS**

- 4.3.1 Exemption from lifting wheelchairs or people who are wheelchair users or have mobility difficulties and from transporting assistance dogs may only be obtained by individual drivers on medical

grounds. If any driver of the vehicle wished to apply for exemption on such grounds, then they should contact the Council for an exemption application.

## **PART 2: VEHICLE SPECIFICATIONS AND CONDITIONS OF LICENCE**

### **5 DEFINITIONS**

#### **5.1 DEFINITIONS**

5.1.1 In this Policy the Council shall refer to either Babergh District Council or Mid Suffolk District Council in respect of their licensed area (controlled zone).

#### **5.2 SMOKING (INCLUDING VAPE & E-CIGARETTES)**

5.2.1 Smoking in licensed vehicles has been an offence since 1 June 2007. Vehicle licence holders must not permit the use of Vape or E-cigarettes within the licensed vehicle.

#### **5.3 CCTV**

5.3.1 The Council's position on CCTV is that we will look sympathetically on all requests for CCTV to be installed within a licensed vehicle. Vehicle licence holders or prospective licence holders must provide the Licensing team with details of the proposed CCTV system prior to installation. Where the CCTV system is approved for use additional conditions will be attached to the vehicle licence.

5.3.2 A full consultation will be undertaken by the Council at a later date on the subject of CCTV, its merits and whether or not CCTV should be mandatory.

## **6 VEHICLE SPECIFICATIONS AND CONDITIONS OF LICENCE**

### **6.1 GENERAL**

6.1.1 The Council recognises the need to move towards a greener fleet for the benefit of the environment as referenced in 6.1.8 below. The motor trade is also moving in this direction under the central government direction to cease the sale of all new petrol and diesel cars by 2030. Given the current infrastructure and cost constraints it is impractical to require the trade to change wholesale to greener vehicles in the short term however the Council will look to research and develop an incentive scheme to encourage a move towards carbon reduction in line with the Council's Climate Change ambition.

6.1.2 All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle (Hackney Carriage or Private Hire Vehicles including Stretched Limousines). This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.

6.1.3 All vehicles shall have an appropriate "type approval" which is either a:-

- European Community Whole Vehicle Type Approval;
- British National Type Approval; or
- British Individual Vehicle Approval.

6.1.4 Be of Euro New Car Assessment Programme star rating of 4 or more.

6.1.5 Be no more than eight years of age since the date of first registration.

- 6.1.6 Where a currently licensed vehicle of either petrol or diesel reaches ten years of age it must be tested a minimum of twice a year to ensure the vehicle remains fully compliant and fit for purpose.
- 6.1.7 Be capable of carrying at least 4 passengers, be fitted in right-hand drive (an exception regarding right hand drive will be made in the case of a stretched limousine) and shall have an engine capacity which is capable of enough power to carry the number of passengers it is licensed for including luggage.
- 6.1.8 The Council strongly recommends new, or replacement vehicles be either Hybrid or Electric Vehicle (an exception will be made for stretched limousines on a case-by-case basis). Hybrids in addition to the above minimum engine size capacity shall be of the following type: Plug-in (PHEV), Self-Charging or Range Extender (REX or Series Hybrid). Mild Hybrids will be considered on a case-by-case basis; please contact the Licensing Team if you are considering buying a Mild Hybrid.
- 6.1.9 Other alternative fuels such as Hydrogen and Hydrotreated Vegetable Oil (HVO) will be considered on a case-by-case basis.
- 6.1.10 Comply with all construction and use/type approval requirements applicable to the vehicle.
- 6.1.11 Any application for a new Hackney Carriage or Private Hire Vehicle for 8 passengers must be Wheelchair accessible.
- 6.1.12 Be either a purpose-built taxi, or a 4-door saloon or 5-door hatchback/estate/multi-passenger (MPV)/sports utility (SUV) vehicle, except that a private hire vehicle shall not be of the London Taxi type.
- 6.1.13 Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes however category N will be considered on a case-by-case basis with the reasons for write off provided to the team by the relevant insurance underwriter.
- 6.1.14 The layout of the vehicle must permit communication between the driver and passengers at all times.
- 6.1.15 All vehicles shall at all times be maintained in sound and roadworthy condition and serviced according to the manufacturer's recommendations.

## 6.2 SAFETY SCREENS

- 6.2.1 Prior to installing protective screens within the vehicle, the vehicle proprietor must contact the licensing team to obtain consent for the safety screen to be fitted.
- 6.2.2 All screens shall conform to the following requirements:
- That the product is compliant with government and industry regulations, the Road Vehicle (Construction and Use) Regulations and relevant safety, UK, and European Community (EC) legislation.
  - Evidence that the product has been tested to relevant UK standards and approved by appropriate certification organisation.
  - The screen shall only be fitted by a professional installer in accordance with the manufacturer's instructions.
  - The screen shall only be constructed of PETG (Polyethylene Terephthalate Glycol-modified) or polycarbonate.
  - Screens shall not impede the driver's vision, movement, or communication with passengers, or the driver or passenger access or egress to the vehicle.
  - Insurers shall be notified of any modifications made to the vehicle.
  - Confirmation from the manufacturer that the installation does not compromise the integrity of the vehicle's structure and safety features.

- 6.2.3 The Council accepts no liability in circumstances where the screen causes an injury to a passenger or driver.

## 6.3 DOORS

- 6.3.1 All saloons, estates or purpose-built taxi vehicles shall have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits, and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.
- 6.3.2 All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.
- 6.3.3 All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers.

## 6.4 INTERIOR DIMENSIONS

- 6.4.1 Height Inside: There must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
- 6.4.2 Knee Space: There must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

## 6.5 SEATS

- 6.5.1 Access to every passenger seat must be unobstructed and be easily accessible to passengers.
- 6.5.2 Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests, or other parts of the vehicle. All measurements are taken across the front of the seat cushion.
- 6.5.3 There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.
- 6.5.4 The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
- 6.5.5 In the case of Multi-Purpose Vehicles where there is a rearmost row of seats and seats capable of being the rearmost seats e.g., fold away seats – these must be forward facing.
- 6.5.6 In relation to the carriage of child passengers under 3 years of age and travelling in the front seat of the vehicle, an appropriate child seat **MUST** be used, where an appropriate child car seat is not available for a child passenger under 3, they **MUST** travel in the rear of the vehicle only. Where a child passenger is between 3-12 years old and an appropriate child car seat is not available, they **MUST** travel in the rear seats of the vehicle and an adult seat belt **MUST** be worn.
- 6.5.7 When a child seat or booster seat is used in the front seat where there is an active front airbag (ready to be deployed in the event of an accident) the vehicle handbook must be consulted for advice on seating children in seats with front airbags and this should be followed. Children, and adults for that matter, should not sit close to an active front airbag. It is suggested by the UK Department for Transport that the car seat should be as far back as possible from an airbag.

## 6.6 SEAT BELTS

- 6.6.1 All vehicles must be fitted with fully operational front and rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

## **6.7 PASSENGER CAPACITY**

- 6.7.1 The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to previously.

## **6.8 FIRE EXTINGUISHERS**

- 6.8.1 An appliance for extinguishing fires must be carried in such a position as to be readily available for use. Such an appliance must be a minimum of either a 2kg ABC General Purpose Powder or 2 litre AFFF Foam and conform to BSEN 3, showing the appropriate kite-mark and must be securely fixed in a position readily accessible to the driver.
- 6.8.2 All extinguishers must be checked every 12 months by one of the Council's nominated garages during the vehicle test. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number.

## **6.9 FIRST AID KIT**

- 6.9.1 There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable first aid kit containing appropriate dressings for immediate use in an emergency.

## **6.10 VENTILATION**

- 6.10.1 Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.
- 6.10.2 Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available.

## **6.11 LUGGAGE**

- 6.11.1 Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available. Luggage carried must be suitably secured in place.
- 6.11.2 In the case where a roof mounted storage is used, this must not obstruct the roof mounted signage.

## **6.12 MAINTENANCE AND CONDITION OF THE VEHICLE**

- 16.12.1 The interior and exterior of the vehicle shall be maintained in a clean, safe, and proper manner to the reasonable satisfaction of the Council. In particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of all stains, splits and tears and the seats shall be required to function in accordance with the original manufacturer's specification.
- 16.12.2 Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

## **6.13 MODIFICATIONS**

- 6.13.1 No vehicle shall be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users.
- 6.13.2 No material alteration or change in the specification, design, condition, or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly the approval of the Licensing Team, at any time while the licence is in force.

## **6.14 LICENCE PLATES AND STICKERS**

- 6.14.1 Except as provided at 6.14.4 below, at all times while the vehicle is being used as a Hackney Carriage or Private Hire vehicle there shall be securely fixed to the rear of the vehicle the appropriate Vehicle Licence Plates supplied by the Council.
- 6.14.2 The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plate referred to above. (For these purposes children are counted as one person).
- 6.14.3 At all times while the vehicle is being used as either a Hackney Carriage or Private Hire vehicle there shall be displayed at the top left hand of the windscreen of such vehicle, the licence disc, which identifies the vehicle as either a Private Hire vehicle or Hackney Carriage vehicle. On this disc will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.
- 6.14.4 Provided that express written consent has been granted from the Council, limousines and other professionally chauffeured vehicles may, in certain circumstances, be permitted not to display the internal and external vehicle licence plate.
- 6.14.5 All applications for dispensation from the requirements to display the internal and external vehicle licence plate will be considered by an authorised officer who will consider the individual circumstances of the case. Dispensations are unlikely to be granted unless the applicant can satisfy the authorised officer that their vehicle(s) are of such a type and age that they would be appropriate for executive travel and that such work represented at least 80% of their total business (verified by operator records in the case of existing vehicles). The licence plates must be carried in the boot of the vehicle at all times and shown to an authorised Officer of the Council or Police or VOSA upon request.

## **6.15 SIGNAGE**

### **HACKNEY VEHICLE MARKINGS**

- 6.15.1 All Hackney Carriage vehicles, other than those with built-in roof signs, must be fitted with an illuminated external sign on and above the roof of the vehicle showing the word "TAXI".
- 6.15.2 The roof sign must be centrally mounted on the vehicle roof and be adequately secured either directly to the roof by suitable magnets or mounted on a single roof bar and secured by bolts, straps, or clamps. Suction fittings alone are not considered suitable without additional means of fixing.
- 6.15.3 On purpose-built vehicles, with built-in roof signs, the roof light must be extinguished when the fare meter is in use.

### **PRIVATE HIRE VEHICLE MARKINGS**

- 6.15.4 A Private Hire Vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage. Any advertising or signage on the vehicle must specifically not include the words "taxi", "cab", "hackney carriage" or "hire" for this reason.



6.15.5 No alternative words or spellings, such as “Kab”, which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used on the vehicle. The Council’s decision as to the interpretation of 6.15.5 shall be final.

## 6.16 ADVERTISING ETC

6.16.1 Any advertising in or on the vehicle must be restricted to the name, logo or insignia, telephone number, free-phone number, fax number, email address or web site of the owner or operator of the vehicle. Advertising of other businesses or products or services is **not** permitted, including art works, emblems, symbols, slogans, or other displays of any kind.

6.16.2 No sign or advertisement shall obliterate or be confused with the vehicle’s licence plate or the number plates of the vehicle.

6.16.3 Limited advertising, in line with the requirements of 6.15.1 and 6.15.2 above may be displayed on a vehicle subject to the following conditions:

### 6.16.4 HACKNEY CARRIAGES

- (i.) For saloons and estate cars the lettering of all advertising/graphics etc must be a maximum height of 15 cm.
- (ii) For minibuses, transits and people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 25. In addition, the single word “Taxi”, to a maximum height of 30 cm, may be displayed.
- (iii) Any advertising may include details of current fare scales or discounts charged by the owner/proprietor.

### 6.16.5 PRIVATE HIRE VEHICLES

- (i) For saloons and estate cars the lettering of all advertising/graphics etc must be a maximum height of 15cm.
- (ii) For minibuses, transits and similar people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 25cm.

## 6.17 COMMUNICATIONS DEVICES

6.17.1 All two-way radio equipment must be of a type currently approved by Ofcom (Office of Communications).

6.17.2 All radio equipment fitted to the vehicle must be fitted securely and safely and in accordance with guidelines for the time being published by Ofcom.

6.17.3 Only one two-way radio with a single operator frequency may be operational in the vehicle at any one time and this shall be an approved radio used exclusively for the Hackney Carriage/Private Hire trade and licensed with an effective radio power (ERP) not exceeding 25 watts.

6.17.4 The use of a Citizen Band (CB) transmitter, receiver or radio scanner is prohibited.

## 6.18 METERS

### HACKNEY CARRIAGES

6.18.1 A calendar-controlled taximeter, approved by the Council, must be fitted and correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure. It must be easily visible to passengers.

- 6.18.2 The taximeter and all the fittings shall be fixed to the carriage with seals or other appliances, so as to be tamper proof except by breaking, damaging, or permanently displacing the seals or other appliances.
- 6.18.3 The taximeter shall be positioned so that all letters and figures on the face thereof must be plainly visible at all times to any person being conveyed in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1988 and also at any time at the request of the hirer.
- 6.18.4 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.
- 6.18.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle must immediately report the alteration to the Licensing Team so that arrangements for resetting and resealing may be made.
- 6.18.6 Any failure to the taximeter must be reported to the Licensing Team without delay.
- 6.18.7 An official copy of the Council's fare chart shall be clearly displayed in the vehicle so as to be plainly visible to all passengers.
- 6.18.8 The proprietor of the vehicle may make a further charge for any valeting deemed necessary following soiling/fouling to the interior of the vehicle rendering it unfit for further immediate hiring. This is a matter between the proprietor and the hirer. Vehicle proprietors must clearly display details of their valeting charge policy following soiling/fouling, inside the vehicle.
- 6.18.9 The 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 hire of Hackney Carriages.
- 6.18.10 Where the journey starts in the district and ends outside, a fare may be agreed before the start of the journey. The meter must be in operation for the duration of the journey and the final fare charged shall not exceed the fare on meter.

## **PRIVATE HIRE VEHICLES**

- 6.18.11 Although Private Hire vehicles may be fitted with a taximeter, it is not a requirement. However, any taximeter fitted to a Private Hire vehicle must comply with those conditions and requirements set out above from 6.18.1 to 6.18.8, as well as 6.19 and 6.20 below.
- 6.18.12 The current fare chart shall be clearly displayed in the vehicle, so as to be plainly visible to all passengers, along with a notice indicating that the hire charges for the vehicle are not prescribed by the Council but are a matter of negotiation with the hirer.

## **6.19 METER TESTING**

- 6.19.1 The meter will be calibrated in accordance with the current table of fares.
- 6.19.2 All taximeters are required to be tested by a meter agent when:

- a vehicle is first licensed as a taxi or private hire vehicle;
- a licensed vehicle is changed;
- a new meter is fitted;
- a new table of fares is created; or
- the seal is found to be broken/irregular.

- 6.19.3 All taximeters will be tested by the Council where an irregularity is reported/found as a result of a customer complaint or enforcement spot check.
- 6.19.4 Testing of the meter will include a run over a measured mile and shall be checked against the Council's table of fares.
- 6.19.5 Once the meter has been tested it will be sealed by the meter agent, with an identifiable seal and shall not be altered or tampered with.

## 6.20 RECEIPTS

- 6.20.1 A Receipt must be issued where it is requested by a customer.
- 6.20.2 Receipt information must include a minimum of the following:
- date and time of issue;
  - metered fare (Hackney only).
  - metered extras (Hackney only).
  - tariff code shown on the meter, i.e. tariff 1,2,3 or 4; (Hackney only) and
  - total fare.
- 6.20.3 A printer fitted to a licensed Vehicle must be approved by the Council before installation. Full technical specifications must be submitted for consideration as part of the approval process.
- 6.20.4 All printers must be CE-marked to identify that they are compliant with the appropriate automotive directives and motor vehicle regulations pertaining to the fitting of electrical sub-assemblies into motor vehicles.

## 6.21 TRAILERS

- 6.21.1 Trailers may only be used with the prior approval of the Council and subject to the following requirements:
- Trailers can only be used in connection with private hire vehicle bookings and cannot be used for plying for hire on a rank;
  - The trailer must at all times comply with all requirements of road traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;
  - The vehicle insurance must include cover for towing a trailer;
  - Trailers must not be left unattended anywhere on the highway;
  - The speed restrictions applicable to trailers must be observed at all times;
  - A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
  - Trailers must have been manufactured by a recognised manufacturer and not have been structurally altered since manufacture.
  - Un-braked trailers shall be less than 750 KGs gross weight.
  - Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
  - The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
  - The maximum permissible length of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
  - The maximum length for braked twin axle trailers is 5.54 metres.

## 6.22 DISABILITY ACCESS

- 6.22.1 Vehicles, which are built or adapted for disabled passengers and their disability apparatus under the advice of the Mobility & Inclusion Unit of the Department for Transport, is that there be no restriction on access, recognising that different vehicles may be suited to varying operating areas.

6.22.2 Where a vehicle is utilised for the carriage of passengers using a wheelchair, the following conditions shall apply:

- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit;
- A suitable restraint must be available for the occupant of a wheelchair;
- Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and assistant.
- Ramps and lifts must be securely stored in the vehicle before it may move off.
- Hackney carriage vehicles must be side loading.

6.22.3 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). Any such equipment must be maintained in good working order and be available for use at all times.

6.22.4 The licensed driver of a wheelchair accessible vehicle must have received suitable and sufficient training to load and convey passengers who travel in their wheelchairs. The provision of this training shall be the responsibility of the operator/licensed driver. A written record of the training shall be kept by the vehicle proprietor and made available for inspection by an authorised officer of the Licensing Authority upon request. Refresher training shall be undertaken at least once every 36 months, with any new licensed driver undertaking the training prior to their first journey.

6.22.5 Subject to the provisions of section 6.15 above, a sign may be affixed to the outside of the vehicle indicating that it is wheelchair accessible provided that the vehicle has been manufactured or properly adapted for that purpose.

## 6.23 TINTED WINDOWS

6.23.1 The front side windows and windscreen of any vehicle shall comply with the current Construction and Use Regulations with regard to the level of tint. Except for stretched limousines (see paragraph 7.3.3 below) the remaining windows may have a minimum VLT of 50%. No self-adhesive material (tinted or clear) shall be affixed to any part of the glass. All vehicles licensed by this Council shall only be fitted with factory tinted glass by the vehicle manufacturer.

## 6.24 INSURANCE

6.24.1 There shall be a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988 for the duration of the vehicle licence.

6.24.2 A copy of the current vehicle insurance policy must be provided to the Licensing Team before a licence will be issued.

## 6.25 CHANGES

6.25.1 Any change of circumstance affecting this vehicle licence must be notified within 7 days of such change to the Licensing Team.

6.25.2 When the holder of a vehicle licence wishes to transfer the licence to another person, they must notify the Licensing Team by completing the appropriate application form, before such change takes place. Failure to do so is likely to result in the refusal to renew the licence.

## 6.26 INSPECTION

6.26.1 The vehicle licence must be available for inspection at all times on request by any authorised officer of the Council or the Police.

## **6.27 UNAUTHORISED USE**

6.27.1 The proprietor of a Private Hire vehicle or Hackney Carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current Private Hire vehicle or Hackney Carriage driver's licence, as appropriate, issued by Mid Suffolk District Council in respect of Mid Suffolk licensed vehicles or Babergh District Council in respect of Babergh licensed vehicles.

## **6.28 ACCIDENT REPORTING**

6.28.1 If any licensed vehicle is involved in an accident, this must be reported to the Licensing Team within 48 hours of the incident.

6.28.2 Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use. A Licensing Officer may suspend the use of a licensed vehicle until it is suitably repaired to the Licensing Officer's satisfaction.

6.28.3 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle provided:

- The damage to, or defect in, the vehicle has been reported;
- Application is made in the usual way for a change of vehicle (albeit temporarily);
- The replacement vehicle meets the Council's licensing criteria and is suitable to be used for hire purposes;
- The hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

## **6.29 SATELLITE NAVIGATION**

### **HACKNEY CARRIAGE**

6.29.1 If the proprietor of a Hackney Carriage has affixed within the carriage a satellite navigation system it must be of a type suitable for UK roads.

6.29.2 The satellite navigation system must be fitted in such a position that it does not obstruct the drivers view or in such a way as to distract the driver's concentration from the road.

6.29.3 The proprietor of a Hackney Carriage is required to keep the satellite navigation system updated with the latest maps at all times.

### **PRIVATE HIRE VEHICLE**

6.29.4 Where a Private Hire vehicle has been fitted with a satellite navigation system of a type suitable for UK roads (UK mapping) it must comply with the requirements of 6.29.1 and 6.29.3 above.

## **6.30 MISCELLANEOUS**

6.30.1 The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose whatsoever.

6.30.2 The driver of the licensed vehicle shall not, unless given the express consent of the hirer, eat or drink in the licensed vehicle. This condition shall not apply to any consumption where there are relevant medical grounds (for example diabetic control). The driver is expected to exercise due care and attention at all times whilst undertaking their duties.

6.30.3 Having due regard to environmental considerations the Council strongly recommend that all proprietors of vehicles shall ensure drivers do not leave the engine of the vehicle running for any significant length of time whilst awaiting a booking. It should be noted that powers are available to the Council to make byelaws that may incorporate such matters.

## **6.31 DISPENSATION/ VARIATION**

6.31.1 The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out in the Policy.

## **7 ADDITIONAL CONDITIONS FOR PRIVATE HIRE VEHICLE LIMOUSINES**

### **7.1 GENERAL INFORMATION**

7.1.1 Stretched limousines shall comply with the existing conditions of licence applicable to all licensed private hire vehicles (above) in so far as they are not superseded by these additional conditions.

### **7.2 TYPES OF VEHICLES**

7.2.1 The vehicle must have one of the following:

- A UK Individual Vehicle Approval Certificate;
- A European Whole Vehicle Approval Certificate;
- UK Low Volume Type Approval Certificate.

### **7.3 VEHICLE AND SAFETY EQUIPMENT**

7.3.1 The proprietor of a vehicle shall:-

- Provide one efficient fire extinguisher in addition to the extinguisher required to comply with the standard Vehicle Conditions of Licence applicable to all licensed Private Hire vehicles. One fire extinguisher should be mounted on brackets, in a convenient position in the driver's compartment, if practical. The other should be similarly mounted within the boot of the vehicle, so as to be readily available at all times;
- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe, and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction and Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance are rectified;
- Ensure that loose luggage is not carried within the passenger compartment of the vehicle;
- Ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council; and
- Display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.

7.3.2 Vehicles may be left or right-hand drive providing that they have proof of full DFT vehicle type approval.

7.3.3 The passenger compartment of the vehicle may be fitted with darkened or blackened glass.

7.3.4 Vehicles must be supplied with a safety hammer, capable of being used to break the glass of the vehicle, which is securely located in the driver's compartment.

- 7.3.5 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.
- 7.3.6 The use of fog machines, lasers, fibre optics, disco balls and jacuzzis should comply with relevant Health and Safety regulations and should not be used in a manner which is likely to distract the private hire vehicle driver or other road users.
- 7.3.7 Where strobe lights are to be used, those hiring the vehicle should be verbally notified in advance and the person making the booking notified, both verbally and in writing. Strobe lighting should not be used/be turned off if so requested. Use should comply with relevant Health and Safety regulations and should not be used in a manner, which is likely to distract the private hire vehicle driver or other road users.

## 7.4 USE OF VEHICLE

- 7.4.1 The vehicle shall not be used for every day Private Hire Vehicle use.
- 7.4.2 The proprietor of the vehicle shall:-
- That the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by the Council. The same Council which issued the Vehicle Licence.
  - That no more than the number of persons for which the vehicle is licensed shall be conveyed within the vehicle;
  - Not convey any passengers in the front compartment of the vehicle;
  - Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence under the Licensing Act 2003, permitting the sale or supply of the same;
  - Provide sufficient means by which any person in the Private Hire vehicle may communicate with the driver during the course of hiring;
  - Ensure the interior of the vehicle is kept wind and watertight;
  - Ensure any necessary windows and means of opening and closing will have at least one window on each side of the passenger compartment;
  - Ensure that there are at least two doors for the use of persons conveyed within the vehicle and separate means of entry and exit for the driver;
  - Ensure the seats in the passenger compartment are properly cushioned and covered; and
  - Ensure the floor in the passenger compartment is provided with a proper carpet, mat or other suitable covering.
- 7.4.3 Where occupants in the vehicle are under the age of 16, a responsible adult other than the driver must accompany them.

## 7.5 VEHICLE IDENTIFICATION DISCS

- 7.5.1 Private hire vehicle limousines will not be required to display on the rear of the vehicle the external private hire vehicle licence plate which must normally be displayed by licensed private hire vehicles. The proprietor of the vehicle will be issued, by the Council, with two licence discs (an external private hire vehicle licence plate will also be issued see below), which identify the vehicle as a private hire vehicle on which will be displayed the registration number of that vehicle and the number of passengers permitted to be carried (Known as Private Hire Limousine Vehicle Disc).

7.5.2 The proprietor shall ensure that:-

- The external Private Hire vehicle licence plate complies with 6.14.4 and 6.14.5 above in vehicle specifications;
- No Private Hire Limousine Vehicle Disc/Plate shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle disc(s)/plate shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle discs/plate and licence to the Council within seven days.

## 7.6 SIGNS, NOTICES, ETC

- 7.6.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council. Failure to obtain such express consent may render the vehicle's licence liable to immediate suspension.
- 7.6.2 No media (e.g. music, videos etc) shall be presented that, given its age classification or content, is unsuitable for the age of passengers in the vehicle.

## 7.7 INSURANCE/MOT TEST CERTIFICATE

- 7.7.1 The vehicle must not be used to carry passengers for Private Hire special events unless there is in force for the vehicle:
- A current Certificate of Compliance test certificate;
  - A policy of insurance covering the use of the vehicle for Private Hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed Private Hire Limousine Vehicle Drivers who drive the vehicle are covered.
- 7.7.2 These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.
- 7.7.3 The proprietor shall deposit a valid and current copy of the Certificate of Compliance Test Certificate and Certificate of Insurance, or cover note with the Operator before the vehicle is used to accept bookings provided by the Operator.
- 7.7.4 If the insurance cover on the vehicle is cancelled, expires, or fails to cover the use to which the vehicle is being put, the Licensing Officer shall be informed immediately, and the vehicle shall not be used until appropriate cover is obtained.

## 7.8 DEPOSIT OF LICENCES

- 7.8.1 If the proprietor permits or employs any other person to drive his Private Hire Vehicle Limousine, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Private Hire Vehicle Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.
- 7.8.2 The proprietor of the vehicle will deposit within five working days, a copy of the Private Hire Limousine Vehicle licence with the Operator before any bookings are accepted.
- 7.8.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

## 7.9 VEHICLE TESTING



7.9.1 A Private Hire Vehicle Limousine will be subject to twice-yearly mechanical examination at intervals to be specified by the Council, at its authorised testing station.

## 7.10 GENERAL CONDITIONS

7.10.1 All Operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer. This is in accordance with the restriction on Licensing Authorities that they may not licence vehicles with more than 8 seats.

7.10.2 The Licensee must produce a copy of the SVA (Single Vehicle Approval) certificate at time of licensing.

## 8 ADDITIONAL CONDITIONS FOR SPECIAL EVENT PRIVATE HIRE VEHICLES (FIRE ENGINES)

### 8.1 GENERAL INFORMATION

8.1.1 Special Event Vehicles (namely Fire Engines only) shall comply with the existing conditions applicable to all licensed Private Hire vehicles contained within Vehicle Specifications of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy, in so far as they are not superseded by these additional conditions.

### 8.2 TYPES OF VEHICLES

8.2.1 The vehicle must have one of the following:

- A UK Single Vehicle Approval Certificate;
- A European Whole Vehicle Approval Certificate;
- UK Low Volume Type Approval Certificate;

### 8.3 VEHICLE AND SAFETY EQUIPMENT

8.3.1 The proprietor of a vehicle shall:-

- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe, and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction and Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance are rectified;
- Ensure that loose luggage is not carried within the passenger compartment of the vehicle;
- Ensure that any CCTV cameras installed in the vehicle have received prior written approval from the Council; and
- Display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.

8.3.2 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.

8.3.3 The use of fog machines, lasers, fibre optics, disco balls and jacuzzis should comply with relevant Health and Safety regulations and should not be used in a manner which is likely to distract the private hire vehicle driver or other road users.

8.3.4 Where strobe lights are to be used, those hiring the vehicle should be verbally notified in advance and the person making the booking notified, both verbally and in writing. Strobe lighting should not be used/be turned off if so requested. Use should comply with relevant Health and Safety regulations and should not be used in a manner, which is likely to distract the private hire vehicle driver or other road users.

## 8.4 USE OF VEHICLE

8.4.1 The vehicle shall not be used for every day Private Hire Vehicle use.

8.4.2 The proprietor of the vehicle shall ensure:-

- That drivers and passengers conveyed within the vehicle do not impersonate or give reason to anyone to believe that they are employees of any Fire and Rescue Service;
- That drivers and passengers conveyed within the vehicle wear any uniform that this should be distinguishable from that worn by any Fire and Rescue Service staff;
- That Blue Lights or Two Tones are not permitted to be used.
- That the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by the Council. The same Council which issued the Vehicle Licence.
- That the driver is holds a DVLA driving licence authorising them to drive a car category B, they are also required to hold a category C1 and category C as a full licence holder;
- That no more than the number of persons for which the vehicle is licensed shall be conveyed within the vehicle;
- Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence under the Licensing Act 2003, permitting the sale or supply of the same;
- Provide sufficient means by which any person in the Private Hire vehicle may communicate with the driver during the course of hiring;
- The interior of the vehicle is kept wind and watertight;
- Any necessary windows and means of opening and closing will have at least one window on each side of the passenger compartment;
- The seats in the passenger compartment are properly cushioned and covered; and
- The floor in the passenger compartment is provided with a proper carpet, mat or other suitable covering.

8.4.3 Where occupants in the vehicle are under the age of 16, a responsible adult other than the driver must accompany them.

## 8.5 VEHICLE IDENTIFICATION PLATES AND DISCS

8.5.1 The proprietor of the vehicle will be issued, by the Council, with two licence discs (an external special event private hire vehicle licence plate will also be issued, see below), which identify the vehicle as a special event private hire vehicle upon which will be displayed the registration number of that vehicle and the number of passengers permitted to be carried (Known as Special Event Private Hire Vehicle Disc).

8.5.2 The proprietor shall ensure that:-

- One Special Event Private Hire Vehicle Disc must be displayed on the top left-hand corner of the front windscreen in a conspicuous position where it can be clearly seen from the outside of the vehicle and all wording and lettering contained thereon can be read. The other identification disc shall be fixed inside the vehicle in such a position (such as the bulkhead or security screen) so as to be visible to persons conveyed therein;
- The external special event private hire vehicle licence plate is to be fixed and displayed on the Authorised Vehicle at all times whilst licensed as a Special Events Private Hire Vehicle (there will be no exemptions permitted under vehicle specifications 6.14.4 and 6.14.5 above) and is to be fitted in the centre or the off side of the rear exterior of the vehicle on either the rear bumper or by using the approved bracket. (Please note that a plate must not be fitted to the near side of the vehicle).
- The external special event private hire vehicle licence plate shall be black and gold in colour containing the words Special Event Private Hire Vehicle.
- No Special Event Private Hire Vehicle Disc/Plate shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle disc(s)/plate shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle discs/plate and licence to the Council within seven days.

## 8.6 SIGNS, NOTICES, ETC

- 8.6.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council. Failure to obtain such express consent may render the vehicle's licence liable to immediate suspension.
- 8.6.2 No media shall be supplied that, given its age classification or content is unsuitable for the age of passengers in the vehicle.
- 8.6.3 Strictly no signage or insignia (e.g., crest badge, station name etc) to be used on the appliance as to infer that the vehicle is part of any Fire and Rescue Service.
- 8.6.4 The front driver and passenger doors must display a sign in 10cm high black capital letters bearing "This vehicle is only available for use by pre-booking".

## 8.7 INSURANCE/MOT TEST CERTIFICATE

- 8.7.1 The vehicle must not be used to carry passengers for Private Hire special events unless there is in force for the vehicle:
- A current Certificate of Compliance test certificate;
  - A policy of insurance covering the use of the vehicle for Private Hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed Special Event Private Hire Vehicle Drivers who drive the vehicle are named.
- 8.7.2 These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.
- 8.7.3 The proprietor shall deposit a valid and current copy of the Certificate of Compliance Test Certificate and Certificate of Insurance or cover note with the Operator before the vehicle is used to accept bookings provided by the Operator.
- 8.7.4 If the insurance cover on the vehicle is cancelled, expires, or fails to cover the use to which the vehicle is being put, the Licensing Officer shall be informed immediately, and the vehicle shall not be used until appropriate cover is obtained.

## 8.8 DEPOSIT OF LICENCES

- 8.8.1 If the proprietor permits or employs any other person to drive his Special Event Private Hire Vehicle, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Private Hire Vehicle Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.
- 8.8.2 The proprietor of the vehicle will deposit within five working days, a copy of the Special Event Private Hire Vehicle licence with the Operator before any bookings are accepted.
- 8.8.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

## 8.9 VEHICLE TESTING

- 8.9.1 A Special Event Private Hire Vehicle will be subject to twice-yearly mechanical examination at intervals to be specified by the Council, at an authorised testing station.

## 8.10 GENERAL CONDITIONS

- 8.10.1 All Operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers (or such number as stated on the vehicle plate and disc) and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer. This is in accordance with the restriction on Licensing Authorities that they may not licence vehicles with more than 8 seats.

## 8.11 TRAILERS

- 8.11.1 During the currency of the licence a Special Event Private Hire Vehicle is not permitted to tow a trailer.

# 9 VEHICLE LICENCES: APPLICATION PROCEDURES – (HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE)

## 9.1 GENERAL INFORMATION

- 9.1.1 The following processes/procedures detail how to licence a Hackney Carriage or Private Hire Vehicle and Vehicle Licence Renewal.
- 9.1.2 To licence a vehicle within either the relevant district Council area you must first decide whether the vehicle that you are going to drive is to be a Hackney Carriage or Private Hire Vehicle.
- 9.1.3 These licences are issued under an Act of Parliament called the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (for Hackney Carriages only) and is referred to as a vehicle licence. To obtain a vehicle licence the vehicle must comply with the Council's Policy and undergo tests and checks so that the Council can determine your application fairly and consistently.
- 9.1.4 The following checks and testing will apply:
- Vehicle testing
  - Vehicle registration documents
  - Intended use of the vehicle
  - Insurance certificate
  - MOT certificate (after one year from date of registration for Hackney carriages, thereafter annually. After three years of registration for Private Hire Vehicles and thereafter annually).
  - Vehicle Road Tax
  - Basic Disclosure (where the applicant is not a licensed driver or licensed operator)

- Meter Test Certificate
- Radio equipment licence.

## 9.2 VEHICLE APPLICATION PROCEDURES

9.2.1 Please note the Application process is the same for new, renewal, change and transfer of a vehicle.

9.2.2 Applications for Hackney Carriage and Private Hire Vehicle Licences are not limited and may be made at any time of the year. To drive either a Hackney Carriage or Private Hire Vehicle licensed by Babergh District Council or Mid Suffolk District Council the driver must hold an appropriate driver's licence by the relevant District Council.

9.2.3 Applications are to be made on the prescribed application form.

9.2.4 Documentation, which **MUST** accompany the application form.

- **REGISTRATION BOOK** (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s) thereof);
- **INSURANCE CERTIFICATE (showing the appropriate wording for the vehicle (hire and reward, public hire or private hire) –** (if a cover note, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note), this is also to include Insurers Policy book and details of Third-Party Liability Cover;
- **BASIC DISCLOSURE CERTIFICATE –** where the applicant for the vehicle licence is not a licensed driver with the Council, they will require a basic disclosure certificate to be obtained and provided to the Council on an annual basis.
- **MOT CERTIFICATE –** the Licensing Team will check this on-line
- **VEHICLE TAX –** the Licensing Team will check this on-line
- **RADIO EQUIPMENT LICENCE from OFCOM –** (For further details contact Ofcom regarding what radio equipment needs to be licensed (as per vehicle specifications 6.17.4 above CB transmitters or receivers are not permitted)).

9.2.5 For new vehicles sight will be required of the vehicles Vehicle Registration Document (Vehicle Registration Document will also be required at renewal) or a Bill of Sale (Full Vehicle Registration Documents will be required once issued by DVLA in applicants name).

9.2.6 In every application, the name and address shall be given of:

- The person applying for a licence; and
- Every proprietor or part proprietor of the vehicle; or
- Any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of the vehicle.

## 9.3 PROPRIETOR REQUISITION DECLARATION (NOTE THIS WILL FORM PART OF THE APPLICATION FORM)

9.3.1 Before a Hackney Carriage/Private Hire vehicle licence is granted, a Proprietor Requisition Declaration shall be made and signed by the proprietor or one of the proprietors of the Hackney Carriage/Private Hire vehicle in respect of which such licence is applied for.

## 9.4 VEHICLE TESTING

9.4.1 Vehicles will be required to undertake an inspection at one of the Council's approved vehicle testing centres before a licence shall be granted.

- 9.4.2 Owners of vehicles will be subject to a re-charge fee if the vehicle is required to undertake either a 6-monthly check or a safety complaint regarding the continued fitness of the vehicle is received before the next annual inspection is due.
- 9.4.3 When a vehicle is successfully tested it should be licensed with the Council as soon as practical.
- 9.4.4 Any applicant who omits the name of the owner or part owner of the vehicle who is responsible for keeping, employing or letting of the vehicle shall be liable to a penalty.
- 9.4.5 For renewals only we will endeavour to send a reminder approximately four weeks before your annual declaration is due (You are reminded that this is a courtesy service. It is your responsibility to ensure your declaration is submitted in a timely manner).

## 9.5 TAXI RANKS

- 9.5.1 Each Council has appointed ranks, as indicated below, for Hackney Carriages on the public highway.
- 9.5.2 The use of Hackney Carriage stand/rank is kept under review and may be discontinued in individual instances where a particular stand/rank has fallen into disuse. Conversely, the Council will consider the creation of new stands/ranks where there is a perceived need. Everyone who wishes the Council to consider the creation of new stands/ranks must write to the Licensing Team, at the address set out at the beginning of this document, giving full details of the proposed location(s), and explaining their reasons in full.

### TAXI RANKS IN THE BABERGH DISTRICT COUNCIL AREA

LOCATION OF RANK	NUMBER OF VEHICLES	TIME RESTRICTION
<b>EAST STREET, SUDBURY</b>	4	NONE
<b>OLD MARKET PLACE, SUDBURY</b>	4	NONE
<b>SUDBURY RAILWAY STATION</b>	2	NONE

### TAXI RANKS IN THE MID SUFFOLK DISTRICT COUNCIL AREA

LOCATION OF RANK	NUMBER OF VEHICLES	TIME RESTRICTION
<b>MARKET PLACE, STOWMARKET</b>	3	NONE
<b>REGAL THEATRE CAR PARK, IPSWICH STREET, STOWMARKET</b>	2	NONE

## PART 3: PRIVATE HIRE OPERATOR POLICY

### 10. GENERAL INFORMATION

#### 10.1 GENERAL INFORMATION

- 10.1.1 The Authority will not grant a Private Hire Vehicle (PHV) operator's licence for an operator with an operating base that is outside of the district area. This is to ensure that proper regulation and enforcement measures may be taken by the Authority and is in no way intended to be a restraint of trade.
- 10.1.2 The following processes/procedures are for a Private Hire Operator and Operators licence renewal.
- 10.1.3 For renewals only the team will endeavour to send a reminder approximately four weeks before an annual declaration is due. This is a courtesy service. It is the licence holder's responsibility to ensure their declaration is submitted in a timely manner.
- 10.1.4 To become a Private Hire Operator within the District an applicant will need to obtain a licence from the Council. The licence is issued under the Local Government (Miscellaneous Provisions) Act 1976 and is referred to as an operator's licence.
- 10.1.5 To obtain a licence the Council must determine whether the applicant is a 'fit and proper person' and whether the location intended to be used as the base is suitable. This involves a series of checks being carried out with various organisations so that the Council can determine the application fairly and consistently.
- 10.1.6 From the 4 April 2022 all applicants for a Private Hire Operators licence will need to carry out a tax check. The Licensing team will be required to obtain confirmation from HMRC that the applicant has completed the check before being able to consider the application.

## 10.2 NEW PRIVATE HIRE VEHICLE OPERATORS' APPLICATION PROCEDURES

- 10.2.1 Applications for Private Hire Vehicle Operators Licences are not limited and may be made at any time of the year.

### **FOR NON-DRIVER OPERATORS (including all partners and company directors)**

- 10.2.2 Applicants will be required to undergo a basic disclosure and barring service check with the Disclosure & Barring Service.
- 10.2.3 Applicants are required to undertake the BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver. This training is to be carried out at the applicants expense and a pass certificate presented to the Council prior to acquiring a Private Hire Operators Licence.
- 10.2.4 The applicant will be required to pass a knowledge test. This will demonstrate whether the applicant has adequate knowledge of the legislation and licensing requirements.
- 10.2.5 After all checks/tests have been carried out and are satisfactory applicants must complete the appropriate application form giving all the necessary/applicable information as set out below, accompanied by the required documents and appropriate fee.
- 10.2.6 In every application, the name and surname and place of abode shall be given of:
- The person applying for a licence
  - Only one Operating name is allowed.
  - A copy of planning permission obtained for the use of the premises as a Private Hire Vehicle Operation (where applicable)
  - Certificate from Ofcom for Radio System, and details of frequencies used (where applicable)
  - Details of all telephone numbers intended to be used for bookings and the address to which each one relates.
  - Applications are to be made on the prescribed application form.
  - A list of all drivers and vehicles operated by you (see prescribed application form).

- In the absence of the Operator, the Name(s) and Address(es) of the Managers who will assume control of the booking of Private Hire Vehicle Drivers and Vehicles.
- A copy of the Company Policy in relation to the carriage of passengers accompanied by Guide or Hearing Dogs, those with Disabilities and Safeguarding of Children and vulnerable persons.
- A copy of the Certificate of Company Registration where applicable.
- Operators' Public Liability Insurance (for offices where the public have access)

10.2.7 In the event of refusal of the licence the specified fee is not refundable.

### **FOR DRIVER OPERATORS**

10.2.8 All relevant checks will have been undertaken at the driver application stage. Applicants must complete the appropriate application form giving all the necessary/applicable information as set out below, accompanied by the required documents and appropriate fee.

10.2.9 In every application, the name and surname and place of abode shall be given of:

- The person applying for a licence
- Only one Operating name is allowed.
- A copy of planning permission obtained for the use of the premises as a Private Hire Vehicle Operation (where applicable)
- Certificate from Ofcom for Radio System, and details of frequencies used (where applicable)
- Details of all telephone numbers intended to be used for bookings and the address to which each one relates.
- Applications are to be made on the prescribed application form.
- A list of all drivers and vehicles operated by you (see prescribed application form).
- In the absence of the Operator, the Name(s) and Address(es) of the Managers who will assume control of the booking of Private Hire Vehicle Drivers and Vehicles.
- A copy of the Company Policy in relation to the carriage of passengers accompanied by Guide or Hearing Dogs, those with Disabilities and Safeguarding of Children and vulnerable persons.
- A copy of the Certificate of Company Registration where applicable.
- Operators' Public Liability Insurance (for offices where the public have access)

10.2.10 In the event of refusal of the licence the specified fee is not refundable.

## **10.3 FOREIGN NATIONALS**

10.3.1 Applicants born outside of the UK and resident in the UK for less than 5 years, who are not a British Citizen will need to provide to the Council a Certificate of Good Conduct which details if the applicant has a criminal record in their own country. This certificate can be obtained from the Embassy, Consulate or High Commission of the Country. If these certificates cannot be obtained in English, they must be translated by an official translator who will be expected to sign a declaration that to the best of their knowledge the information is correct.

10.3.2 A DBS check will also be undertaken along with a Home Office referral to ascertain if the applicant has the right to work within the UK. Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

## **10.4 PRIVATE HIRE VEHICLE OPERATORS' ANNUAL DECLARATION PROCEDURE**

10.4.1 The Licensing Team will endeavour to send a reminder approximately four weeks before an annual declaration is due. This is a courtesy service. It is the licence holder's responsibility to ensure the declaration is submitted in a timely manner. Should the licence holder let their licence expire they will need to begin the process again as a **New Applicant**.



10.4.2 The Applicant will need to provide the following documentation:

- In every application, the name and surname and place of abode shall be given of:
  - The person applying for a licence
- Only one Operating name is allowed.
- Details of all telephone numbers intended to be used to invite bookings and addresses to which one relates i.e. the first point of reception for each call.
- Applications are to be made on the prescribed application form
- A list of all drivers and vehicles operated by you (see prescribed application form).
- Operators' Public Liability Insurance (for offices where the public have access)
- A sample of log book/records of journeys undertaken during the last 12 months.

10.4.3 In the event of refusal of the licence the specified fee is not refundable.

## **10.5 DISCLOSURE AND BARRING SERVICE (DBS) CHECK**

10.5.1 The renewal Applicant will be required to undertake an annual Basic DBS check or as required.

10.5.2 When the applicant is required to undergo a DBS check the Licensing Team will write to them. This will be required before any renewal of a licence is considered. Any conviction shown on the DBS check which has not been notified to the Council will result in a Disciplinary Hearing.

## **11 CONDITIONS OF PRIVATE HIRE OPERATOR LICENCE**

### **11.1 RECORD KEEPING**

11.1.1 The records required to be kept by the Operator under Section 56(2) and 56(3) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable format. The Operator shall record before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted by them:

- (i) the time and date of the booking;
- (ii) the name and address of the hirer;
- (iii) how the booking was made (i.e., by telephone, e-mail, or personal call);
- (iv) the time of pick-up;
- (v) the point of pick-up;
- (vi) the destination;
- (vii) the time at which a driver was allocated to the booking;
- (viii) the registration number of the vehicle allocated for the booking;
- (ix) remarks (including details of any sub-contract or fare quoted at time of booking);
- (x) the name or appropriate identifier (licence number) of the driver allocated to the booking.
- (xi) the name of individual that responded to the request.
- (xii) the name of the individual that dispatched the vehicle.

11.1.2 The Operator shall also keep records of the particulars of all Private Hire vehicles operated by them, which shall include details of the owners, registration numbers, plate number, number of seats for passenger, insurance details and drivers of such vehicles.

11.1.3 All records kept by the Operator shall be preserved at the operator address as identified in the licence, for a period of not less than 5 years following the date of the last entry and shall be produced promptly upon request to any authorised Officer of the Council or to a Police Officer.

### **11.2 INTERNET BOOKINGS AND MOBILE PHONE DIVERSIONS**

11.2.1 Where on-line bookings are invited or accepted the point of booking shall be at a computer physically located at the operator base address as identified in the operator licence. Where telephone bookings are made to a landline or virtual (VOIP) number which diverts to a mobile phone away from the bookings office, or the booking is made by text message, the booking must be recorded in the bookings log as soon as practicable.

11.2.2 Conditions relating to the use of a mobile telephone app for operators will be introduced and included in this policy at a later date.

### 11.3 DRIVER BOOKINGS

11.3.1 The operator shall keep records of the particulars of all drivers of private hire vehicles operated by them pursuant to section 56 (3) of the 1976 Act such details to include the following particulars, namely:

- Details as to the drivers of the vehicles, and their call signs
- Details of when any new driver begins service
- Details of when any driver's service ceases
- Details of any change of address of any driver in service
- If he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties, details of that information
- Expiry dates of driver's badges and vehicle licences

11.3.2 All records maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any authorised officer.

### 11.4 STANDARD OF SERVICE

11.4.1 The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- (a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed by unforeseen circumstances or prevented by sufficient cause, punctually attend at that appointed time and place;
- (b) keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting;
- (c) put in place and maintain an adequate public liability insurance policy for premises that are open to the public;
- (d) ensure that any waiting area provided by the Operator has adequate seating facilities;
- (e) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
- (f) ensure that drivers and controllers are advised to act in a helpful, polite, and professional manner at all times whilst undertaking their duties.

### 11.5 CITIZEN BAND RADIO

11.5.1 The Operator shall not cause or permit any Citizen Band (CB) radio to be used for or in connection with the hiring of a private hire vehicle, nor shall any radio scanning equipment be so used.

### 11.6 CHANGE OF CIRCUMSTANCES

11.6.1 The Operator shall notify the Council in writing of any change affecting the operator's licence including change of drivers, vehicles, and address (including any address from which they operate or otherwise conducts their business as an Operator) also change of any directors or partners involved in the business, as soon as possible and in any event within 7 days of the change taking place.

### 11.7 DISCLOSURE OF CONVICTIONS, CAUTIONS AND DISCHARGES

11.7.1 The Operator shall disclose in writing to the Council details of any such conviction, caution, charges, or fixed penalty being imposed upon them within 48 hours. If the operator is a Company or Partnership this requirement shall apply, if any directors or partners received any such conviction, caution, charges or fixed penalty. It should be noted that the Police may notify the Council of relevant information or convictions in accordance with the Police Common Law Disclosures Scheme.

## **11.8 HIRINGS CHARGE**

11.8.1 The Operator of a licensed private hire vehicle shall not invite or accept a booking for such vehicle or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of the charge for the hire of the vehicle.

## **11.9 CODE OF CONDUCT**

11.9.1 The operator shall have in place a code of conduct policy for their drivers, which must be regularly reviewed and be in addition to the conditions contained within this policy, which shall be made available to fare-paying passengers, any authorised officer of the Council or any Police Officer.

## **11.10 ADVERTISING OF PRIVATE HIRE SERVICES**

11.10.1 The holder of an Operator's Licence shall not cause or permit any advertising of private hire services to be made in such manner or form of words that is likely to indicate to a member of the travelling public that a private hire vehicle may be available for immediate hire without prior booking. Therefore, such advertising (including cards, notices, and websites) shall not contain such words as 'taxi', 'cab' or similar.

11.10.2 The operator shall disclose to the Council any website used to advertise the operation.

## **11.11 PARKING OF LICENSED PRIVATE HIRE VEHICLES**

11.11.1 The Operator shall ensure that all drivers of licensed private hire vehicle(s) operating under their control are advised to:

- (a) Not park in such manner or location so as to cause significant traffic congestion to the detriment of local residents, amenities or general passenger traffic;
- (b) Not park so as to form a rank of vehicles, that may cause a member of the travelling public to interpret a private hire vehicle as being available for immediate hire without any prior booking being made;
- (c) Not park in such manner or location so as to be in contravention of any applicable laws or regulations; and
- (d) Not sound the horn of the vehicle to alert a pre-booked passenger to the arrival of the vehicle, when in a built up area between the hours of 11:30pm and 7:00am, or where such use would be contrary to rule 92 of the Highway Code.

11.11.2 Having due regard to environmental considerations the Council strongly recommend that the Operator advises all drivers of his licensed vehicle(s) to not leave the engine of the vehicle running for any significant length of time whilst awaiting a booking. It should be noted that powers are available to the Council to make byelaws that may incorporate such matters.

## **11.12 PRIVATE HIRE DRIVER'S LICENCE**

11.12.1 The operator shall satisfy themselves that every driver engaged by them has acquired a Private Hire driver's licence and has a badge issued by the Licensing Team. The operator shall request a copy of the paper counterpart of the licence from each driver.

## **11.13 COMPANY POLICY FOR DRIVERS/STAFF**

11.13.1 The operator shall have in place a company policy relating to:

- The carriage of passengers accompanied by guide/hearing or assistance dogs
- The carriage of passengers with Disabilities and Safeguarding children and vulnerable persons. This policy should be in line with the requirements under the Equality Act 2010 and any disabled or vulnerable passenger **must not** be charged extra for their journey's.
- Smoking and the law (operators must provide training of all staff and drivers detailing what their responsibilities are)
- Standards of service expected from all staff and drivers.

11.13.2 Operators shall provide and maintain a policy on the employment of staff with convictions for offences as detailed in condition 2.3 to 2.14 of the driver application requirement. This will determine the suitability of all staff employed by the operator.

11.13.3 The policy must be regularly reviewed and shall be made available upon request to fare-paying passengers or any authorised officer of the Council or any Police Officer.

## 11.14 COMPLAINTS

11.14.1 The operator shall notify the Licensing Authority within 7 days in writing of any complaints concerning a contract for hire arising from their business, such notification to include the action taken or proposed as a result of the complaint.

## 11.15 BOOKING AND DISPATCH STAFF

11.15.1 All operators shall be required to produce and keep updated a register of all staff that will take bookings and or dispatch vehicles.

11.15.2 Operators shall be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register.

11.15.3 DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

11.15.4 Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

## 11.16 DATA PROTECTION

11.16.1 Private Hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

The characteristics protected by the Equality Act 2010 are:

<b>Disability</b>	<b>Age</b>	<b>Sex (gender)</b>
<b>Gender reassignment</b>	<b>Marriage/civil partnership</b>	<b>Pregnancy/maternity</b>
<b>Race</b>	<b>Sexual orientation</b>	<b>Religion/belief</b>

*By law we must have due regard to the need to:*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

In effect, this means that we need to ensure that our policies and services are fair, equitable and proportionate and where possible mitigate against any adverse impacts on people from the different protected characteristics.

In addition to the above protected characteristics you should consider the impact of living in a **rural area** as part of this assessment. Where people live is not a characteristic protected by law, but for an organisation such as Babergh and Mid Suffolk District Councils it is good practice to consider carefully how location may affect people's experience of a policy or service.

The Rural-Urban definition, defines the rurality of very small census based geographies. Census Output Areas forming settlements with populations of over 10,000 (which are urban), while the remainder are defined as one of three rural types: *town and fringe, village or hamlet and dispersed*.

<b>Details</b>	
<b>Service or policy title</b>	Taxi Policy Review
<b>Lead officer</b> <i>(responsible for the policy or service/function)</i>	Emma Richbell, Food Safety and Licensing Assistant Manager
<b>Officers carrying out the EQIA</b> <i>(at least one must have done EQIA training and it is recommended that an officer responsible for the policy or service/function is involved in completion)</i>	Kay Sanders Katherine Green
<b>Is this new or a revision?</b> <i>(If revision state when previous EQIA undertaken)</i>	New
<b>Is this the first time this policy or function has been assessed?</b>	Yes
<b>Date of completing this EQIA</b>	24/06/2021

<b>Description</b>
<p><b>What exactly is proposed?</b> <i>(Describe the service/policy and the changes that are being planned)</i></p> <p><i>Babergh &amp; Mid Suffolk are attempting to align their separate policies into one uniform document to cover both districts. The main changes to the policies are as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>removal of the requirement of plates 1-20 in Babergh being any type of vehicle and 21+ as Wheelchair accessible only.</i></li> <li>• <i>vehicle age policy amended/added for both councils.</i></li> <li>• <i>Currently the Licensing Team undertake a knowledge test however there will be a mandatory requirement to undertake the 'Introduction to the Role of Professional Taxi and Private Hire Driver' course</i></li> <li>• <i>New Safeguarding standards have been introduced by the Department for Transport and these are being assessed and incorporated where necessary.</i></li> </ul>
<p><b>Why?</b> <i>(Give reasons why these changes are being introduced)</i></p> <p><i>Both Council's have been working together since 2012 but the policies have been vastly different. This review is to align the policy and processes so that officers can apply the same conditions across both districts. This will aid any driver wishing to work in both districts as the information would be the same. However, there is no automatic entitlement to work across both districts once licensed in a particular Council area.</i></p>
<p><b>What will the effect of the changes be?</b> <i>(Describe which people, communities, localities etc. will be affected by the changes)</i></p> <p><i>Babergh has made no significant changes to their policies since 2007 and Mid Suffolk policy since 2011.</i></p> <p><i>The trade will be affected by the changes in policy:</i></p> <ul style="list-style-type: none"> <li>• <i>Babergh Drivers for plates 1-20 have incurred an unfair revenue as this plate belongs to the company/proprietor until they wish to transfer. On transfer the individual sells the plate number on at a high price. This has led to a monopoly by certain operators and individuals which is unfair to other members of the trade.</i></li> <li>• <i>Mid Suffolk Drivers have never had an age policy for their vehicle and a lot of them may find it difficult to finance newer vehicles.</i></li> <li>• <i>The mandatory requirement to undertake the 'Introduction to the Role of Professional Taxi and Private Hire Driver' course will have a financial implication for driver's and operators.</i></li> <li>• <i>The new safeguarding standards will have an effect on new licence applicants as well as existing licensed drivers as all criminal history will have to be considered by our Licensing and Regulatory Sub-Committee. The benefits of the new standards are that all drivers will be regulated to a higher standard and this in turn will ensure that the drivers on the road are fit and proper to hold such a licence.</i></li> </ul>

<p><b>How will it be implemented?</b> <i>(Describe the decision-making process, timescales, process for implementation)</i></p> <p>The Policy will be going to Licensing &amp; Regulatory Committee (LRC) in August 2021. This will be the first viewing of the policy and LRC will be asked to recommend this for consultation with the public and the trade. The consultation will run for 28 days, and the responses will be collated, and the policy will return to LRC in October 2021. If LRC are minded to the policy will be recommended to Cabinet for adoption and this meeting is in December 2021. There will be a Cabinet briefing prior to full Cabinet, and this is in November 2021.</p>
<p><b>When is it due to start?</b> <i>(Planned start of new/revised policy/service)</i></p> <p>31 January 2022</p>
<p><b>Any other relevant details</b></p> <p>N/A</p>

<p><b>Data about the population</b></p>	
<p><b>What is the demographic profile or make up of the community you are serving?</b> <i>(A brief overview of quantitative data used and qualitative research undertaken, including customer surveys and focus groups, plus links to reports, local or national data that you have used, suggested sources of information can be found at the end of this document)</i></p> <p>Population typical for rural Suffolk – increasing elderly population, small population of black and ethnic minority residents. The source for our data is see <a href="#">Suffolk Observatory – Equality Impact Assessment</a></p>	
<p><b>What is the profile or make up of your service users by protected characteristics?</b> <i>(Where this data is available. If it is not currently available state any plans to collect this in future)</i></p> <p>A survey is currently in the process of being undertaken for wheelchair users in Babergh on the advice of our Equalities team. The consultation on this policy will provide any further insight into needs/requirements.</p>	

<p><b>Implications for communities and workforce</b></p>	
<p><b>Disability</b></p>	
<p>What is the impact on people with a disability (including children with additional needs) and what evidence do you have? <i>(If you do not believe there is any impact describe why not)</i></p>	<p>There is no differential impact on people with a disability. The Taxi Policy is applicable to all who use this service.</p>

<p>How does it have a positive or negative impact?</p>	<p>Disabled adults appear to rely more on the bus and on taxis according to DfT national data, which shows that the proportion of trips with taxi/minicab as the main mode was small but noticeably higher for disabled adults. Nationally wheelchair users and disabled persons are statistically more likely to use taxis than persons who do not identify themselves as disabled. The demand for vehicles and drivers may increase however the cost implications for the process may deter individuals from applying reducing the availability of Wheelchair accessible Vehicles.</p>
<p>What could be done to mitigate any adverse impact or further promote positive impact?</p>	<p>The alignment of the policies and the introduction of the new safeguarding standards will ensure that the travelling public are receiving the best service from the trade as the policy is attempting to ensure all applicants are fit and proper for the job role and are better regulated. Some potential mitigation may be provided by ensuring local disability groups are effectively involved in the consultation process.</p>
<p><b>Age</b></p>	
<p>What is the impact on people of different ages and what evidence do you have? <i>(If you do not believe there is any impact describe why not)</i></p>	<p>There is no differential impact on people of different ages. The Taxi Policy is applicable to all who use this service.</p>
<p>How does it have a positive or negative impact?</p>	<p>In terms of age, surveys by the DFT have identified that young adults and elderly persons are more likely than other age groups to use taxis on a regular basis. The service isn't age restricted however if the process deters individuals from applying there may be a reduced capacity by companies to aid these individuals which could lead to isolation.</p>
<p>What could be done to mitigate any adverse impact or further promote positive impact?</p>	<p>The alignment of the policies and the introduction of the new safeguarding standards will ensure that the travelling public are receiving the best service from the trade as the policy is attempting to ensure all applicants are fit and proper for the job role and are better regulated. Some mitigation can be achieved by effective consultation.</p>
<p><b>Sex (gender)</b></p>	
<p>What is the impact on people of different genders and what evidence do you have? <i>(If you do not believe there is any impact describe why not)</i></p>	<p>There is no differential impact on people of different genders. The Taxi Policy is applicable to all who use this service.</p>
<p>How does it have a positive or negative impact?</p>	<p>N/A</p>



What could be done to mitigate any adverse impact or further promote positive impact?	N/A
<b>Gender reassignment</b>	
What is the impact on people who have undergone gender reassignment (i.e. transgender people) and what evidence do you have? <i>(If you do not believe there is any impact describe why not)</i>	There is no differential impact on people who have undergone gender reassignment. The Taxi Policy is applicable to all who use this service.
How does it have a positive or negative impact?	N/A
What could be done to mitigate any adverse impact or further promote positive impact?	N/A
<b>Marriage/civil partnership</b>	
What is the impact on people who are married or in a civil partnership and what evidence do you have? <i>(If you do not believe there is any impact describe why not)</i>	There is no differential impact on people who are married or in a civil partnership. The Taxi Policy is applicable to all who use this service.
How does it have a positive or negative impact?	N/A
What could be done to mitigate any adverse impact or further promote positive impact?	N/A
<b>Pregnancy/maternity</b>	
What is the impact on people who are pregnant women or those with a young child and what evidence do you have? <i>(If you do not believe there is any impact describe why not)</i>	There is no differential impact on people who are pregnant or who have a young child. The Taxi Policy is applicable to all who use this service.
How does it have a positive or negative impact?	N/A
What could be done to mitigate any adverse impact or further promote positive impact?	N/A

## Appendix C - Equality Impact Assessment (EQIA)



<b>Race</b>	
What is the impact on people from different races or ethnic groups and what evidence do you have? <i>(If you do not believe there is any impact describe why not)</i>	There is no differential impact on people of different races. The Taxi Policy is applicable to all who use this service.
How does it have a positive or negative impact?	N/A
What could be done to mitigate any adverse impact or further promote positive impact?	N/A
<b>Sexual orientation</b>	
What is the impact on people according to their sexual orientation and what evidence do you have? <i>(If you do not believe there is any impact describe why not)</i>	There is no differential impact on people of different sexual orientations. The Taxi Policy is applicable to all who use this service.
How does it have a positive or negative impact?	N/A
What could be done to mitigate any adverse impact or further promote positive impact?	N/A
<b>Religion/belief</b>	
What is the impact on people according to their religion or belief and what evidence do you have? <i>(If you do not believe there is any impact describe why not)</i>	There is no differential impact on people of different religions or beliefs. The Taxi Policy is applicable to all who use this service.
How does it have a positive or negative impact?	N/A
What could be done to mitigate any adverse impact or further promote positive impact?	N/A

<b>Rurality</b>	
Where people live is not a characteristic protected by law: but for Babergh and Mid Suffolk District Councils it is good practice to consider carefully how location may affect people's experience of a policy or service.	
What is the impact on people according to whether they live in an urban or rural environment and what evidence do you have? <i>(If you do not believe there is any impact describe why not)</i>	Both Districts are predominantly rural however Babergh is slightly more urbanized regarding the location of its Taxi services. The Taxi policies have historically remained as separate entities under each council. However, the officers whilst reviewing this policy have taken into consideration that the benefits of a single policy outweigh any concerns regarding its alignment.
How does it have a positive or negative impact?	The negative impact of the changes proposed in this policy is there may be a decrease in the applicants for a position as a Hackney Carriage and Private Hire Driver. As both districts are rural this could lead to a higher reliance on bus services which are sporadic in the districts and may lead to isolation of vulnerable groups.
What could be done to mitigate any adverse impact or further promote positive impact?	Some mitigation can be achieved by effective consultation.

<b>Making Decisions</b>	
Having completed this equality impact assessment indicate which decision is recommended to be taken.	
Should the policy or service be implemented as the correct course of action?	Yes
Should the policy or service be amended as suggested by the report so that mitigating actions are taken to address an adverse or negative impact on any characteristic?	No
Should the policy or service be reviewed and revised more significantly to take into account its impact on different groups?	No
Should the policy or service not be actioned as there are too many negative impacts?	No

<b>Monitoring Impact</b>	
Assessing the impact on equality is an ongoing process that does not end once a policy or service had been agreed or implemented.	
How frequently will the policy or service be reviewed?	Three Yearly
Who will be involved?	Licensing Officers, Licensing and Regulatory Committee, Cabinet
Will there need to be an action plan completed for any amendments?	No
What further evidence or consultation will be needed to check that the policy or service is working well?	Complaint monitoring and Disability Forum feedback

<b>Completion</b>	
Authors signature	Kay Sanders Katherine Green
Date of completion	24 June 2021

Additional sources of data can be found on the following links:

<http://www.suffolkobservatory.info/Default.aspx>

<http://www.nomisweb.co.uk/>

<https://www.ons.gov.uk/>

<http://suffolkcf.org.uk/publications/hidden-needs-2016/>

<https://www.nao.org.uk/>

## Appendix D

All current licence holders	Parish Town Councils
Mid Suffolk & Babergh Communities Service Endeavour House 8 Russell Road Ipswich IP1 2BX <a href="mailto:communities@baberghmidsuffolk.gov.uk">communities@baberghmidsuffolk.gov.uk</a>	Mid Suffolk & Babergh Environmental Protection Endeavour House 8 Russell Road Ipswich IP1 2BX <a href="mailto:Environmental@midsuffolk.gov.uk">Environmental@midsuffolk.gov.uk</a>
Mid Suffolk & Babergh Health and Safety Endeavour House 8 Russell Road Ipswich IP1 2BX <a href="mailto:healthandsafety@baberghmidsuffolk.gov.uk">healthandsafety@baberghmidsuffolk.gov.uk</a>	Suffolk Fire & Rescue Service Endeavour House 8 Russell Road Ipswich IP1 2BX <a href="mailto:fire.admin@suffolk.gov.uk">fire.admin@suffolk.gov.uk</a>
Mid Suffolk & Babergh Legal Services Endeavour House 8 Russell Road Ipswich IP1 2BX <a href="mailto:legal.services@westsuffolk.gov.uk">legal.services@westsuffolk.gov.uk</a>	Mid Suffolk & Babergh Planning Service Endeavour House 8 Russell Road Ipswich IP1 2BX <a href="mailto:planning@baberghmidsuffolk.gov.uk">planning@baberghmidsuffolk.gov.uk</a>
Public Health Suffolk Endeavour House 8 Russell Road Ipswich IP1 2BX <a href="mailto:healthandwellbeing@suffolk.gov.uk">healthandwellbeing@suffolk.gov.uk</a>	Suffolk Constabulary Police Headquarters Martlesham Heath Ipswich IP5 3QS <a href="mailto:PoliceAlcoholLicensing@suffolk.pnn.police.uk">PoliceAlcoholLicensing@suffolk.pnn.police.uk</a>
Suffolk Safeguarding Partnership Endeavour House 8 Russell Road Ipswich IP1 2BX <a href="mailto:enquiries@suffolksp.org.uk">enquiries@suffolksp.org.uk</a>	Age UK Floor 7 One America Square 17 Crosswall London EC3N 2LB
Mid Suffolk Disability Forum <a href="mailto:Linda.hoggarth@avenuesgroup.co.uk">Linda.hoggarth@avenuesgroup.co.uk</a>	Suffolk Disability Forum <a href="mailto:Disabilityforum@btinternet.com">Disabilityforum@btinternet.com</a>
Suffolk Chamber of Commerce Felaw Maltings South Kin 42 Felaw Street Ipswich IP2 8SQ <a href="mailto:info@suffolkchamber.co.uk">info@suffolkchamber.co.uk</a>	Red Gables Ipswich Road Stowmarket IP14 1BE <a href="mailto:contact@redgables.org.uk">contact@redgables.org.uk</a>
Suffolk - Creating the Greenest County Suffolk County Council Endeavour House 8 Russell Road Ipswich IP1 2BX <a href="mailto:Creatinggreenestcounty@suffolk.gov.uk">Creatinggreenestcounty@suffolk.gov.uk</a>	

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