



MID SUFFOLK LICENSING AUTHORITY

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING POLICY

Approved by Mid Suffolk District Council on 1st
June 2007



Revised from:
1st June 2011

CONTENTS

Section		Page No.
	Executive Summary of Main Proposals	4
	Definitions	5
1	Background	5
2	Introduction	8
3	Arrangement of sections	9
4	Vehicles - (Hackney Carriage & Private Hire Vehicle)	10
5	Drivers – (Hackney Carriage & Private Hire Vehicle)	23
6	Disciplinary and Enforcement Measures	31
7	Road Safety Act 2006	34
8	Offences	35
9	Delegated Powers	35
10	Private Hire Vehicle Operators	36
11	Fares	39
12	Fees	41
13	Smoking and the Law	42
14	Taxi Ranks	44
15	Website Advertising	44
16	Terms & Conditions applying to Hackney Carriage and Private Hire Vehicles	45

TERMS AND CONDITIONS APPLYING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Appendix A	Vehicle Specifications
Appendix B	Additional Conditions for Private Hire Vehicle limousines
Appendix C	Additional Conditions for Special Event Private Hire Vehicles (Fire Engines)
Appendix D	Vehicle Licences - Application Procedures
Appendix E	Drivers- Application Procedures
Appendix F	Drivers - The Consideration of Applications
Appendix G	Drivers - The Relevance of Convictions
Appendix H	Drivers - The Testing of Applicants
Appendix I	Drivers – Combined Hackney Carriage and Private Hire Vehicle Driver’s Licence Conditions
Appendix J	Drivers - Code of Good Conduct for Licensed Drivers
Appendix K	Drivers - Dress Code
Appendix L	Taxi Licensing and Enforcement Policy & Practice
Appendix M	Policy Guidelines for Dealing with Offences Committed during the Term of a Licence
Appendix N	Disciplinary Hearings
Appendix O	Penalty Points System
Appendix P	Offences & Penalties - Hackney & Private Hire Vehicle
Appendix Q	Private Hire Vehicle Operator’s Application Procedures
Appendix R	Private Hire Vehicle - Operator’s Licence Conditions
Appendix S	Fare Tariff Maximum Fares for Hackney Carriages
Appendix T	Example of Taxi Tariff Formula
Appendix U	Licence Fees – Hackney & Private Hire Vehicle
Appendix V	Taxi Ranks in the district of Mid Suffolk
Appendix W	Hackney Carriage and Private Hire Vehicle Hearing Procedures

EXECUTIVE SUMMARY OF MAIN PROPOSALS

For ease of reference, the main proposals contained in this document are summarised below:

- Bringing all documentation & procedures in line with new Department of Transport Best Practice Guidance
- Revising and extending the specification of licensed vehicles including introducing new requirements in respect of disability access, LPG powered vehicles and tinted windows
- Introducing the requirements for vehicles to be inspected once a year and twice per year for vehicles over five years old from First Registration
- Considering the introduction of documentation to help promote the use of cleaner and greener fuels
- Introducing new controls and conditions to bring stretched limousines and similar vehicles properly under licensing control
- Continue to issue Dual Driver's Licences to allow drivers to operate both hackney carriage and private hire vehicles
- Introducing a knowledge test for new hackney carriage drivers with a simpler test for private hire
- Amending the medical fitness standard for licensed drivers
- Medicals for drivers to be to DVLA Group 2 Standard
- Requiring, all drivers to undergo a CRB check every 3 years
- Introducing new formal written protocol in respect of:
 - The relevance of criminal convictions
 - Disciplinary Hearings
 - Enforcement
- Increasing the period for which driver's licences are issued from 1 to 3 years
- Revising and extending the conditions attached to driver's licences
- Introducing a Dress Code and a Code of Conduct for licensed drivers
- Introducing a "Penalty Points" scheme to deal with breaches of licence conditions and legislation
- Revising and extending the conditions and requirements attached to private hire vehicle operator's licences
- Introducing a formula for determining fares and setting a timetable for the regular review of fare scales
- Revising the licence fee structure for private hire vehicle operator's licences and introducing administrative charges in respect of vehicle transfers, change of addresses, change of name, temporary vehicles and replacement licences
- Introducing requirements in respect of advertising and signage on both hackney and private hire vehicles
- Introducing requirements for new drivers to undertake a DVLA check and for current drivers to undertake a DVLA check every three years or as and when required
- Introducing a requirement that taximeters are used
- Introducing a requirement for drivers to undertake Disability, Safeguarding Children and Vulnerable persons Training.

DEFINITIONS

Throughout this document:

- 'The Council' or 'The Authority' means the Mid Suffolk District Council
- 'Vehicle' or 'Licensed Vehicle' means both a Hackney Carriage and Private Hire Vehicle
- 'Taxi' or 'taxi' means a Hackney Carriage
- 'PHV' means a Private Hire Vehicle
- 'The Guidance' means The Department for Transport - Taxi and Private Hire Vehicle Licensing Best Practice Guidance

1. BACKGROUND

1.1 Role of Taxis and Private Hire Vehicles

1.1.1 Taxis and PHV's have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.2 Aims and Objectives of Licensing

1.2.2 The aim of licensing of the hackney carriage (taxi) and private hire vehicle (PHV) trades is, primarily, to protect the public as well as to ensure that the public have reasonable access to taxi and private hire vehicle services because of the part they play in local transport provision. It is important that the Authority's 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. Mid Suffolk District Council's taxi and PHV industry is fairly comprehensive and provides its population with a reasonable service. It is the intention of this review to build on the industry's strengths.

1.3 Licensing Profile

1.3.1 As at 1 May 2011 Mid Suffolk District Council currently licences 65 hackney carriages, 47 private hire vehicles including 9 stretched limousines, 1 special event vehicle and has 148 drivers.

1.4 Review of Practices & Procedures

1.4.1 Mid Suffolk District Council has responsibility for licensing taxi and private hire vehicles, drivers and operators within the district of Mid Suffolk. It has traditionally exercised this responsibility through a number of different practices and procedures that have been developed over a significant number of years.

1.4.2 Many of these policies have, however, now become rather historic and do not adequately assist the trade or the public or indeed truly reflect the situation today in respect of these trades. Written procedures do not currently exist in respect of some important aspects of the service. At the same time, guidance has, for the first time, been issued to licensing authorities (see 1.5 below) detailing what is considered to be best practice in terms of taxi and private hire vehicle licensing.

- 1.4.3 Against the above background and in order to ensure that the Council is able to maintain an up to date, vibrant and forward looking licensing service, the opportunity has been taken to undertake a “root and branch” review of all policies and practices relevant to the taxi and private hire licensing service. The review process has resulted in this Hackney Carriage & Private Hire Vehicle Licensing Policy that sets out the policies and procedures that the Council intends now to apply in exercising its taxi and PHV licensing function. Before adopting the policy, the Council consulted widely with those who may be affected by it (see 1.7 below). It considered all representations made as a result and, where necessary, amended the draft policy in the light of representations received.

1.5 Best Practice Guidance

- 1.5.1 The Department for Transport (DfT) has national responsibility for taxi and private hire vehicle legislation in England and Wales. As a result of the Office of Fair Trading producing its report on the UK taxi/PHV market, the Department for Transport was asked in 2006 to produce Best Practice Guidance for local taxi and PHV licensing authorities.



- 1.5.2 Best Practice Guidance was first produced in October 2006 and has been updated by the DfT in March 2010. It is directed at local authorities in England and Wales with responsibility for taxi and PHV licensing who will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. There is a recognition, within the document, that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.
- 1.5.3 The Best Practice Guidance referred to above represents the Department for Transport’s considered views about what constitutes “Best or Good Practice” in terms of hackney carriage and private hire vehicle licensing. It has, therefore, been used as a valuable tool in shaping this policy document.

1.6 Costs and Benefits of Licensing Policies

- 1.6.1 The Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance (the Guidance) referred to above stresses that licensing requirements, which are unduly stringent are likely to unreasonably restrict the supply of taxi and PHV services, by putting up the cost of operation or by otherwise restricting entry to the trade. Licensing authorities are, therefore, cautioned to recognise that too restrictive an approach may well work against the public interest and can have safety implications.
- 1.6.2 Licensing authorities are encouraged to ensure that each of their various licensing requirements is properly justified by the risk it seeks to address. The cost of a particular requirement, in terms of its effect on the availability of transport to the public should, it is argued, at least be matched by the benefit it will provide to the public, for example, through increased safety. Furthermore, licensing authorities are asked to look carefully at the costs - financial or otherwise imposed by each of their licensing policies and ask themselves:-

“whether those costs are really commensurate with the benefits a policy is meant to achieve”.

1.7 Consultation

1.7.1 There are a number of groups and organisations that have an interest in the provision of taxi and PHV services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this document, the Authority has, as part of the review process, consulted with the following:

1.7.2

- The Council’s District Monitoring Officer
- The Council’s Corporate Legal Advisor
- Members of Mid Suffolk District Council
- The Hackney Carriage and Private Hire Vehicle trade
- Mid Suffolk’s Town and Parish Councils
- Mid Suffolk MPs
- Suffolk Constabulary
- Public Transport, Suffolk County Council
- Waveney District Council (Licensing Team)
- Forest Heath District Council (Licensing Team)
- Suffolk Coastal District Council (Licensing Team)
- Babergh District Council (Licensing Team)
- St Edmundsbury District Council (Licensing Team)
- Ipswich Borough Council (Licensing Team)
- Mid Suffolk Citizens Advice Bureau
- Suffolk County Council – Passenger Transport
- Suffolk County Council – Education Transport
- Suffolk County Council – Special Needs Transport
- Suffolk County Council – Road Safety Service
- Traffic Commissioner – Eastern Traffic Office
- Stowmarket and District Chamber of Commerce
- Mid Suffolk Action in Partnership
- Mid Suffolk Voluntary Organisation
- Optua Community Transport
- Mid Suffolk Disability Forum
- Stowmarket Regeneration Team

1.7.3 In developing a policy and procedures document that will deliver the appropriate objectives locally (see 2.2 below) views were sought on what should be included in such a document. The opportunity was given on the statement of policy to ensure that it reflects the local balance between the commercial interests of the trade and the communities it serves and impacts upon.

1.7.4 Proper weight was given to the views of all those consulted prior to this policy statement taking effect. The trade and stakeholders all positively assisted in developing the policy and conditions.

2 INTRODUCTION

2.1 Powers and Duties

2.1.1 This statement of licensing policy has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Mid Suffolk District Council (the “Authority”) the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

2.2 Objectives

2.2.1 In setting out its policy, the Mid Suffolk District Council seeks to promote the following objectives:

- The protection of public health and safety;
- The establishment of a professional and respected hackney carriage and private hire vehicle trade;
- Access to an efficient and effective public transport service;
- The protection of the environment.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire vehicle trade in order to promote the above objectives. It is the Authority’s wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.

2.3 Status

2.3.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this document and the objectives set out above.

2.3.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy, clear and compelling reasons will be given for so doing.



2.4 Implementation

2.4.1 This Policy will take effect from **1st June 2007** and shall be kept under review and revised as appropriate.

2.4.2 Upon implementation of this policy, the Authority expects licence-holders to comply with the terms of this document **immediately**. It is acknowledged, however, that certain provisions may place financial obligations on existing licence-holders and accordingly the authority is prepared to permit a transitional period, (as detailed in paragraph 2.4.3 below) during which, necessary changes must be made. Accordingly, the full weight of this document shall not take effect until the end of that period.

2.4.3 Set out below are the provisions of this policy for which implementation will be deferred (subject to 2.4.4 below). The first column details the relevant provision and the second the implementation or arrangements for that provision.

Table of implementation

Paragraph/Section of Policy	Implementation Date/Arrangements
New Hackney Carriage and Private Hire Vehicle Licensing Fees – Appendix T	1 June 2007
New Style Hackney Carriage and Private Hire Vehicle Plates	1st July 2007 (To be changed at either renewal or change of vehicle)
LPG vehicle requirements – Appendix A Condition 20	1st July 2007
Tinted Windows – Appendix A Condition 21	1st July 2007
Advertising and Signage on vehicles – 4.6 and Appendix A Conditions 14 & 15	1st September 2007
Penalty Point System – 6.3 and Appendix N	1st September 2007
Dress Code for Drivers - 5.15 and Appendix J	1st September 2007
Disability Training – 5.5	To be confirmed
Safeguarding Children/Vulnerable persons Training – 5.5	To be confirmed
Vehicle Testing – 4.5	To be confirmed
Setting of Fares and Meters – 10, Appendix A 17, Appendix R and S	Public consultation will commence from 1st July 2008
Three Yearly Combined Hackney Carriage and Private Hire Vehicle Driver Licences	1 June 2011 New Applicant 1 June 2011 Existing Licensed Drivers – Three year rolling programme

The above implementation dates are subject to change with reasonable notice given to licensees, in pursuant with Section 16 Terms and Conditions applying to Hackney Carriage and Private Hire Vehicles see page 45.

2.4.4 All requirements in respect of Vehicle Specifications (Appendix A or B) will apply from **1st September 2007** in respect of any vehicle submitted for licensing for the first time or any vehicle, which has not been previously licensed, which is substituted for an existing licensed vehicle.

3 ARRANGEMENT OF SECTIONS

3.1 In order to provide clarity for potential applicants for licences or for existing licence holders, this document sets out the Authority's expectations, intentions and guiding principles under the following headings:

- Vehicles (section 4);
- Drivers (section 5);
- Disciplinary and enforcement measures (section 6);
- Road Safety Act 2006 (section 7);
- Offences (section 8);
- Delegated powers (section 9)
- Private Hire Vehicle Operators (section 10);

- Fares (section 11);
- Fees (section 12);
- Smoking and the Law (section 13);
- Taxi Ranks (section 14);
- Website Advertising (section 15); and
- Terms & Conditions applying to Hackney Carriage and Private Hire Vehicles (section 16).

3.2 The Best Practice Guidance referred to above deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Where a section of the guidance provides advice that is relevant to a particular section of this document, it has been used at the beginning of each section and appears in normal type. It will normally be followed by a statement, in italics, which will indicate what is being proposed as Mid Suffolk District Council's position in respect of that specific issue.

4 VEHICLES – (Hackney Carriage & Private Hire Vehicles)

4.1 Limitation of Numbers

4.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The present legal provisions on quantity restrictions for hackney vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis "if, but only if, the local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet". In the event of a challenge to a decision to refuse a licence, it would, therefore, have to be established that the authority had reasonably been satisfied that there was no significant unmet demand.

4.1.2



Many local licensing authorities do not impose any quantity restrictions on hackney vehicles and the DfT regards this as best practice. Where restrictions are imposed, licensing authorities are urged to regularly reconsider the matter, taking into account whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, people who use taxi services. What benefit is achieved for them by the continuation of controls and how might they benefit if the controls were removed? Is there evidence that removal of the controls would result in a clear and unambiguous deterioration in the amount or quality of taxi service provision?

4.1.3 Where quantity restrictions are imposed, vehicle licence plates command a premium, often of thousands of pounds. This tends to suggest that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. Such a situation, it is argued is particularly hard to justify.

- 4.1.4 If the local authority takes the view that a quantity restriction can be justified in principle, the guidance advises that the level at which the limit should be set, be addressed by means of a survey.
- 4.1.5 Since the enactment of the above, section 161 of the new Equality Act 2010, is due to amend the Transport Act 1985 in restricting numbers of hackney carriages due to unmet demand. Section 161 when enacted will ensure that Licensing Authorities that have relatively few wheelchair accessible hackney carriages operating in their area do not refuse licences to such vehicles for the purpose of controlling numbers.
- 4.1.6 For section 161 to have effect the Secretary of State must make regulations specifying:
- The proportion of wheelchair accessible hackney carriages that must operate in an area before the respective Licensing Authority is lawfully able to refuse to license such a vehicle on the grounds of controlling hackney carriage numbers; and
 - The dimensions of a wheelchair that a wheelchair accessible vehicle must be capable of carrying in order for it to fall within this provision.
- 4.1.7 The DfT is planning to consult on the content of regulations before section 161 comes into force; the actual date will be announced in due course but will not be before April 2011.
- 4.1.8 *Mid Suffolk District Council has never considered a policy limiting hackney carriage numbers since, from time to time; there have been complaints from the travelling public and the night-time economy regarding a shortfall in the number of available taxis.*
- 4.1.9 *Since the inception of this policy the Council has been able to license further wheelchair accessible vehicles for both hackney carriage and private hire vehicles (from the previous figure of one vehicle for hackney carriage only). The Council as at 1 May 2011 currently licenses 6 hackney carriage and 12 private hire vehicles as wheelchair accessible vehicles, however the Council would expect to see these numbers increase further, once details of the requirements under the Equality Act 2010 are known, the Council will be able to comment on this issue further.*
- 4.1.10 *Whilst the Metropolitan standard is the only standard currently available, it is, in effect only permits one specific and relatively expensive vehicle (the TX11). In practice, it is proving too demanding to encourage uptake by the trade and is accordingly not helping to increase disabled access vehicle provision in the district. It needs, therefore, to be revised so as to allow a greater range of purpose-built or converted disabled access vehicles to qualify.*
- 4.1.11 *The Council's existing policy has been amended so that any new Hackney Carriage vehicle licences that are granted are encouraged to be:*
- *a TX11 or purpose built EuroCab, designed and developed for use as a wheelchair accessible taxi. The vehicle must be unaltered from the manufacturers/converters specification and documentation to M1, European Whole Vehicle Approval or Low Volume Approval standards.*

4.2 Specifications and Conditions

- 4.2.1 Under the legislation Local authorities have a wide range of discretion over the types of vehicle that they can licence as taxis (hackney carriage) or private hire vehicles (PHVs).
- 4.2.2 The DfT Best Practice Guidance suggests that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to set down a range of general criteria to leave it open to the taxi and PHV trades to put forward vehicles of their own choice, which can be shown to meet their basic criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.
- 4.2.3 Licensing authorities are asked to be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. (There are at present only two designs of purpose-built taxi.) They are however encouraged to make use of the “type approval” rules within any specifications they determine.
- 4.2.4 Licensing authorities are asked to look favourably on such adaptations to vehicles where owners and drivers wish to improve their personal security in the vehicle. This licensing Authority’s comments on these matters are shown in 4.7 below.
- 4.2.5 *The Authority is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Taxis and private hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous. Appendix A sets out the minimum standards, which are proposed in respect of all licensed vehicles.*
- 4.2.6 *Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Purpose built vehicles are amongst those, which a local authority will licence as hackney carriages.*
- 4.2.7 *Vehicles that accommodate over eight passengers must be licensed through the Eastern Area Traffic Office. However, vehicles that have been modified and now accommodate eight passengers, maybe considered being licensed by Mid Suffolk District Council provided they comply with the following:*
- *The vehicle has been professionally changed e.g. by the manufacturer and certificated at time of application.*
 - *The seat mounting holes of those seats removed, have been welded up*
 - *The Vehicle Passed Mid Suffolk District Council’s Vehicle Inspection Test (when implemented).*

4.3 Accessibility

- 4.3.1 Under The Disability Discrimination Act 1995 (DDA), the government’s proposals were to implement the taxi provisions contained within the Act, which involved splitting the implementation into 2 phases dependant upon a number of criteria. Phase 1 authorities were required to introduce accessible vehicles as hackney carriages from 2010 to 2020. Mid Suffolk District Council was classified as a

phase 2 authority as it had been defined as not meeting one or more of the relevant criteria

- 4.3.2 On the 8 April 2010 The Equality Act 2010 received Royal Assent. The Equality Act 2010 incorporates a number of different pieces of legislation about discrimination – including disability discrimination – into one Act. This new Act includes many of the hackney carriage and private hire vehicle provisions which were contained within the Disability Discrimination Act 1995, as well as introducing some important changes.
- 4.3.3 Sections 160 to 173 of the Act relate specifically to hackney carriage and private hire vehicles and some of these provisions were brought into force on 1st October 2010.
- 4.3.4 Sections 165, 166 and 167 of the Act deal with the imposition of duties on the drivers of wheelchair accessible hackney carriage and private hire vehicles, to assist passengers who use wheel chairs. The duties which had been contained within the DDA had never been brought into force such that when the duties are actually introduced at a date, later than but not before April 2011 it will constitute a substantive change in the law.

Duties to assist passengers in wheelchairs

- 4.3.5 Section 165 of the Act places duties on drivers of designated wheelchair accessible hackney carriages and private hire vehicles. (Designated vehicles are those listed by the Licensing Authority under section 167 of the Act).

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.



- 4.3.6 Section 166 of the Act allows Licensing Authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties. This section has been in force since 1st October 2010.
- 4.3.7 Section 167 of the Act allows Licensing Authorities to maintain a list of "designated vehicles", that is, a list of wheelchair accessible hackney carriages and private hire vehicles licensed in its area. A consequence of being on this list is that the driver must undertake the duties referred to in section 165 of the Act. This provision will be brought into force at a date, later than but not before, April 2011.

- 4.3.8 From 1st October 2010 hackney carriage and private hire vehicle drivers who drive designated wheelchair accessible vehicles are able to apply for exemptions should the Council exercise its discretion and maintain a list. Licensing Authorities that intend to maintain a list of wheelchair accessible hackney carriages and private hire vehicles licensed in their area should therefore be putting in place a system for assessing drivers who they consider should be exempt. To this end the Council would need to determine a policy in respect of this issue should it consider maintaining such a list is necessary (see 4.3.20 below for Mid Suffolk's approach).
- 4.3.9 The DfT will be making regulations in early 2011 specifying the exact format for the Exemption Notices that Licensing Authorities will issue and exempt drivers will be required to display the Notice within their vehicles. The DfT will also arrange for the printing and distribution of the Exemption Notices (which will be similar to the Notices for drivers who are exempt from carrying guide dogs). These will be ready shortly after the regulations come into force in early 2011.
- 4.3.10 Although the list of designated vehicles will have no actual effect in law until the duties are commenced, the DfT advises Licensing Authorities to start maintaining a list as soon as possible for the purpose of liaising with the trade and issue exemption certificates as appropriate. As from 1st October 2010 it has become possible for drivers to appeal against a decision by the Licensing Authority not to grant an exemption, with any such appeal going to the Magistrates' Court.
- 4.3.11 Once section 167 comes into force after April 2011, and the lists of designated vehicles have statutory effect, it will be possible for the owner of a vehicle to appeal to the Magistrates' Court against a Licensing Authority's decision to include their vehicle on the list.
The DfT will issue separate and more detailed guidance about the accessibility requirements which Licensing Authorities should apply in relation to this provision and other aspects of their functions under this new approach.

Guide Dogs and Assistance of Dogs

- 4.3.12 Section 168 to 171 of the Act deals with the carriage of guide dogs and other assistance dogs in England and Wales. These sections have simply been lifted from the DDA which imposed duties on hackney carriage and private hire vehicle drivers (and private hire vehicle operators) to accept guide dogs.
- 4.3.13 These sections which came into force on 1st October 2010 repealed sections in the DDA; this change is largely a technical one rather than one with any practical implications. There is nothing new or additional that drivers (and private hire vehicle operators) need to do in relation to assistance dogs as the existing obligations will simply continue under the new Act.
- 4.3.14 The change in legislation from the DDA to the new Act will ensure that:
- The Exemption Notice Regulations made under sections 37 and 37A of the DDA will continue to have effect as though they were made under the new Act;
 - Hackney carriage and private hire vehicle drivers who are already exempt from the duty to carry guide dogs can continue to rely on their certificate of exemption issued by the Licensing Authority even though the certificate refers to the DDA;

- Licensing Authorities will continue to be able to issue certificates to drivers who are exempt from the duty to carry guide dogs even though the certificates say “issued under section 37 or 37A of the DDA” on them. The certificates are now deemed to have been issued under the new Act;
- Licensing Authorities will continue to be able to issue the yellow Exemption Notices provided by the DfT which exempt drivers must display on their vehicles (and exempt drivers will continue to be able to display them), even though the Notices refer to the DDA.

4.3.15 The guidance which was issued by the DfT in 2007 regarding the duties to carry assistance dogs and the procedure for granting medical exemptions etc will still stand.

4.3.16 Mid Suffolk District Council is committed to social inclusion and ensuring a wide variety of opportunities are available to disabled residents to enjoy a high quality of life. They fully support the view of the Disability Rights Commission that, “Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment healthcare as well as social and family life is significantly improved when journeys become accessible.” For this reason, the Council considers it important that disabled residents have access to all forms of public transportation. In addition to the general conditions, accessibility for disabled people (including - but not only people who need to travel in a wheelchair) is, therefore, an important consideration in respect of vehicles licensed as taxis.

4.3.17 The National Taxi Association, supported by ROSPA and a number of disabled groups, have recently written to all licensing authorities asking them to prohibit the use of hackney vehicles, which are adapted for disabled passengers, where the wheelchair is loaded from the rear rather than the side of the vehicle. The argument for this approach is that the wheelchair user has to be on the road during loading and unloading and is, therefore, exposed to risk from traffic. This is seen as being particularly relevant for taxis, which, of necessity, operate from side loading ranks.

4.3.18 It is, ultimately, the DfT’s intention to make taxi accessibility regulations under the Disability Discrimination Act 1995. In the meantime, however, licensing authorities are encouraged to introduce taxi accessibility policies for their areas.



4.3.19 It is arguable that different accessibility considerations should apply as between taxis and Private Hire Vehicles in that taxis can be hired on the street or at a rank – by the customer dealing directly with a driver; whereas Private Hire Vehicles can only be hired through an operator. It is considered particularly important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience and having accessible taxis available helps makes that possible.

4.3.20 *On 21 April 2011 the Licensing Committee of Mid Suffolk voted in favour of introducing a list of ‘designated vehicles’ (wheelchair accessible hackney carriage and private hire vehicles) in its area, in accordance with section 167 of the Equality Act 2010. The Licensing Team are currently compiling the list and will be contacting the licensed vehicle owners concerned to advise them that they will be*

on the list subject to 4.3.9, 4.3.10 and 4.3.11 above. The list will then be posted on the Council's Website.

4.4 Maximum Age of Vehicles

4.4.1 The DfT Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. It is, nevertheless, accepted that a greater frequency of testing may be appropriate for older vehicles for example, twice-yearly tests for vehicles more than five years old (see 4.5.3 below).



4.4.2 Local licensing authorities are, however, also advised to consider how far their vehicle licensing policies can and should support any local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels (see 4.11 below).

4.4.3 A further Government report suggests that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European wide emission limits are having on improving air quality. In private cars, these standards are introduced for new vehicles as follows:

- **Euro I technology** – became mandatory for new cars from 1993 (light goods vehicles 1994).
- **Euro II technology** – became mandatory for new cars from 1997 (light goods vehicles 1998).
- **Euro III technology** – became mandatory for new cars from 2001 (light goods vehicles 2002).
- **Euro IV technology** – became mandatory for new vehicles in 2006.

Air quality improvements are clearly hampered through the length of time it takes for vehicles to be retired. As an example, even with a maximum vehicle lifetime of 12 years, vehicles will only begin to meet the minimum Euro I standard from 2005.

4.4.4 *Consideration needs to be given as to whether, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles and, in particular, whether it would be appropriate to shorten the period of time from when new standards are introduced to when full fleet compliance with those standards is achieved. Any introduction of emissions standards would, however, need to be phased, to ensure that operating profits were maintained. This would mean, not only following the adoption dates for Euro standards, but also introducing strict retirement dates for vehicles that fail to meet the latest standards.*

4.4.5 *Vehicles manufactured prior to 1994 did not have to meet emission limits (Euro1 Technology) designed to improve air quality. It is, therefore proposed, that, in the interests of improving air quality, any application for the grant or renewal of a hackney carriage or private hire vehicle licence, where the vehicle in question is*

more than 12 years old, shall not be granted. This provision will not apply to non-motorised vehicles.

4.5 Vehicle Testing

- 4.5.1 Whilst taxis and PHV's must be subject to an MOT test, or its equivalent, once a year after the first three years, the Best Practice Guidance recognises that an annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate. More frequent tests are not recommended, except for older vehicles (see 4.4.1 above). Similarly, for mechanical matters, the guidance recommends applying the same criteria as those for the MOT test to taxis and PHV's.
- 4.5.2 It suggests that it is good practice for local authorities to consider having more than one testing station and argued that there could be advantages in contracting out the testing work and to different garages.
- 4.5.3 *Hackney Carriage and Private Hire Vehicles **must** be tested once per year until they are 5 years old, and thereafter twice per year. These tests **must** take place at a testing station approved by the Council. These requirements are in addition to an MOT, which for Hackney Carriages is required at 1 year old and thereafter. Further details of where the approved testing station(s) are to be located, will be issued during implementation of the policy.*
- 4.5.4 *At present Mid Suffolk has no vehicle testing arrangements. The only testing for a vehicle is currently only through the Vehicle & Operator Service Agency (VOSA) issued MOT. The Council has proposed that 4.5.3 above be implemented (see implementation table above).*

4.6 Signage/Advertising

- 4.6.1 Members of the public can often confuse PHV's with taxis, failing to realise that PHV's are not available for immediate hire and that a PHV driver cannot legally be hailed in the street. It is, therefore, important that the public are able to easily distinguish each type of vehicle.
- 4.6.2 It is possible to prohibit PHV's from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such it helps identification if licence plates are displayed on the front as well as the rear of the vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring.
- 4.6.3 The guidance, therefore, recommends, as best practice, a licence condition that requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local Authority and which also has some words such as 'pre-booked only'. This approach identifies the vehicle as private hire and helps to avoid



confusion with a taxi, but also gives useful information to the public wishing to make a booking.

- 4.6.4 Roof-mounted signs on PHV's are not seen as best practice even if they indicate 'pre-booked only' as any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi.
- 4.6.5 The guidance also recognises that there is a case for allowing any taxi operators, who wish to do so, to make it clear by advertising on their vehicle that they charge less than the maximum fare.
- 4.6.6 What is permitted or indeed prohibited to be displayed on either hackney carriage or private hire vehicles in a particular District tends to be a controversial area of licensing controls with little or no apparent consensus between licensing authorities. At their most basic, any such controls over the appearance of hackney carriage or private hire vehicles must serve to ensure that the public are easily able to distinguish:
- Licensed vehicles from unlicensed vehicles (which may be illegally plying for trade);
 - Taxis (which may legally be hailed in the street or on a rank) from private hire vehicles (which would be illegal and uninsured if hired in this way).
- 4.6.7 Within the Mid Suffolk District Council area, both hackney carriage and private hire vehicles are required to display a plate on the rear of the vehicle (these are of different colours/sizes, hackney carriage being the larger to distinguish one from the other). This is a key feature in helping to identify vehicles that are properly licensed.
- 4.6.8 Private hire vehicles in the district are required to display a private hire vehicle plate on the rear of the vehicle and also display inside the windscreen of the vehicle a private hire vehicle internal plate (see Appendix A). It is perhaps arguable that the current controls do not sufficiently help to distinguish between hackney carriage and private hire vehicles.
- 4.6.9 *All hackney carriage vehicles, except for minibuses, transits, people carrier type vehicles and those with built-in roof signs, should carry illuminated roof-mounted signs indicating that they are a taxi. Similarly and in order to differentiate between the two types of licensed vehicle, private hire vehicles will not be able to carry roof-mounted signs of any kind or any references to the words "Taxi" or "Hackney". Minibuses, transits and people carrier type vehicles which do not have roof signs, will have to display the single word "Taxi" on the front and rear of the vehicle.*
- 4.6.10 *Some advertising, generally limited to the proprietor's company name, logo and telephone number along with details of fare scales or discounts charged by the owner/proprietor be allowed on vehicles but that the size and position of such information be strictly controlled with such advertising being kept to a minimum on private hire vehicles with more latitude being allowed for hackney carriages. Full details of the proposals in respect of are set out in Section 15 of Appendix A.*
- 4.6.11 *All private hire vehicles with effect from 1 July 2011 will be required to display door signs of a type required/supplied by the Council.*
- 4.6.12 *The cost of required signage/advertising is to be met by the proprietor/owner of the vehicle.*

4.7 Personal Security/CCTV

- 4.7.1 The DfT Best Practice Guidance recommends licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.



- 4.7.2 *It is not proposed that such measures should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The Taxi and PHV trades are, however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.*

4.8 Application Procedures

- 4.8.1 The application procedures for a hackney carriage or private hire vehicle licence are not prescribed. Existing practice will largely be retained in that applications must be made on the specified application form in accordance with the application procedure set out in Appendix D.

4.9 Consideration of Applications

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

4.10 Grant and Renewal of Licences

- 4.10.1 Whilst the “norm” is for vehicle licences to be issued for 12 months, the DfT Guidance makes no recommendations in respect of the duration of hackney carriage or private hire vehicle licences.
- 4.10.2 Hackney carriage or private hire vehicle licences will continue to be granted for a one year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.
- 4.10.3 The Council will continue to endeavour to remind holders of existing hackney carriage or private hire vehicle licences to renew their licences, in the month preceding their expiry. Application forms, appropriate fees, and supporting documentation, as set out in Appendix D, **must be submitted at least 7 days prior to the expiry of the previous licence. Not having received a reminder will not be accepted as a reason for non-renewal of licences.**

4.11 Environmental Considerations

- 4.11.1 The DfT guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels, however careful consideration should be given when setting such a policy

which could impact on the supply of taxi's or phv's. They should bear in mind the need to ensure that benefits of any policies outweigh costs (in whatever form).

4.11.2



Taxi and PHV's are an essential form of transport in the Mid Suffolk District Council area. Many people depend on taxis for trips that buses or cars are incapable of making. They are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the district. It is, however, clearly important that emissions from taxis and PHV's are reduced as far as possible.

4.11.3 It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the district by, in particular, reducing the levels of CO2 emitted. Appendix A, therefore, at 20 makes it clear that LPG conversions to vehicles are perfectly acceptable. The policy proposed at 4.4.3 above will, furthermore, assist in this respect by ensuring that older and therefore less efficient vehicles will no longer be licensed.

4.11.4 *It is further proposed that the possibility of reducing licensing fees for fuel efficient vehicles is investigated. If considered suitable, the council could promote the uptake initially of LPG, petrol-electric or compressed natural gas by offering a reduction of say 20 – 25% in Private Hire Vehicle and Hackney Carriage Vehicle licence fees upon conversion to LPG fuel. Other alternative fuels could then be considered to qualify for a reduction in the licence fee as technology improves.*

4.11.5 *Clearly emissions from taxis and PHV's could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. It is, however, proposed that this aspect be tackled through education and promotion.*

4.12 Stretched Limousines

4.12.1



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

4.12.2 Licensing authorities are sometimes asked to licence stretched limousines as PHVs. The guidance suggests that such requests should be approached on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire vehicle trade, meeting a public demand. It is suggested that licence applications for such vehicles should not be automatically rejected (for example just because the vehicles may be left-hand drive).

- 4.12.3 Licensing authorities have, however, generally considered there to be some problems preventing stretched limousines from being licensed including:
- some of the vehicles are capable of carrying more than eight passengers;
 - many of them are left hand drive;
 - many are fitted with all round darkened glass;
 - most originate from the United States;
 - many have been converted or modified after manufacture;
 - seating space per passenger is 460mm and could give a greater capacity than eight persons;
 - due to their origin many spare parts may not be available making adequate maintenance difficult.
- 4.12.4 Accordingly, many Local Authorities have been reluctant to licence the vehicles and to insist that their operators and drivers are also correctly licensed, thereby, perhaps, putting the public at risk. Clearly, stretched limousines will normally fall within the Private Hire Vehicle licensing regime for licensing and enforcement purposes.
- 4.12.5 Imported stretched limousines were historically checked for compliance with regulations under the Single Vehicle Approval (SVA) inspection regime before they were registered. This regime has now changed to the Individual Vehicle Approval (IVA) scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority may wish to confirm that an imported vehicle was indeed tested by VOSA for IVA before being registered and licensed by the DVLA, which can be checked by looking through the V5C registration certificate or contacting VOSA.
- 4.12.6 Stretched limousines which clearly carry more than 8 passenger seats should not of course be licensed as PHVs as they fall outside the licensing regime for PHVs. However there are some circumstances where the SVA regime accepted vehicles with space for more than 8 passengers, particularly where the precise number of passengers had been hard to ascertain. In these circumstances, if the vehicle had obtained an SVA certificate, an authority should consider the case on its merits when deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers.
- 4.12.7 The Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as a motor vehicle constructed or adapted to carry fewer than eight passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of the driver for the purposes of carrying customers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is:
- suitable in type, size and design for the use as a private hire vehicle;
 - not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - in a suitable mechanical condition;
 - safe; and
 - comfortable.
- 4.12.8 Stretched limousines may be licensed for private hire vehicle work providing they carry no more than eight passengers and otherwise meet the requirements of the Act. Exemptions under the Act provide that nothing shall:

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

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

4.12.10 *In accordance with the guidance, all applications to licence stretched limousines as PHVs will be treated on their merits. It is, however, proposed that imported stretched limousine type vehicles will:*

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

4.12.11 *There are obviously concerns regarding the use of darkened glass in stretch limousines. It is, accordingly, considered that the glass in any windows should allow at least 50% of light to pass through and this requirement has been reflected in Appendix B.*

4.13 Contract Vehicles

4.13.1 The provision of Section 53 of the Road Safety Act 2006 which repealed Section 75 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 which allowed the exemption from PHV licensing for contracts lasting not less than 7 days ("the contract exemption"), became effective on 28 January 2008 (see paragraph 7 below) thus making it a requirement for a vehicle to be licensed where it was previously used for a contract with an organisation/firm for a period more than seven days for carrying passengers for hire or reward under a contract for the hire of the vehicle.

4.14 Funeral Vehicles

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

Wedding Vehicles

4.14.1 A vehicle does not need to be licensed while it is being used in connection with a wedding.

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



4.15 Courtesy Cars

4.16.1 All vehicles with no more than 8 passenger seats that carry passengers for hire and reward must be licensed with the Local Authority. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as “courtesy cars”, i.e. for transporting customers to and from hotels, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed with the local authority as should their “operator”.

4.16.2 *Those operating “courtesy cars” i.e. for transporting customers to and from hotels, night-clubs, etc should have an operator’s licence, and the vehicle and the driver must be appropriately licensed.*

4.16 Livery

4.17.1 *Some licensing authorities, notably the major cities and conurbations, require their hackney carriage vehicles to conform to particular requirements in terms of livery and markings, in order that they may be easily identified. Such an imposition is not considered appropriate in the Mid Suffolk District Council area. It is proposed that the visual distinction between hackney carriage and private hire vehicles can, over time, be achieved broadly by allowing a reasonable amount of signage on hackney carriages and restricting it on private hire vehicles. (see Appendix A)*

4.18 Dual Plating

4.18.1 *The proprietor of a hackney carriage may make a request that a vehicle be licensed in another Local Authority area. This could mean that the hackney carriage would be required to display the plate issued by each Authority. This is an unusual practice causing enforcement problems and will not be permitted by this Authority.*

5 DRIVERS

5.1 Parallel Procedures

5.1.1 The statutory and practical criteria and qualifications for a private hire vehicle driver are broadly identical to those for a hackney carriage driver. The sections below, therefore, apply equally to both hackney carriage and private hire vehicle drivers.

5.2 Dual Licences

- 5.2.1 The Council has not always required that separate driver's licences be held in respect of hackney carriage and private hire vehicles. There is, however, nothing, in law, that prevents the granting of dual licences that serve as a licence to drive both types of vehicle.
- 5.2.2 *This Authority has a system of issuing dual driver licences instead of issuing separate driver licences which is a system that works well as it gives drivers the flexibility to drive either a licensed Mid Suffolk District Council hackney carriage or private hire vehicle.*

5.3 Age and Experience

- 5.3.1 The guidance recommends against setting a maximum age limit for drivers provided that they undergo regular medical examinations. It also considers that minimum age limits, beyond the statutory periods for holding a full driver licence are inappropriate, advising that applicants should be assessed on their merits.
- 5.3.2 *A licence to drive a hackney carriage or private hire vehicle will not be granted to a person who has not held a full driving licence for a period of at least one year.*

5.4 Topographical Knowledge (Driver Knowledge Tests)

- 5.4.1 Taxi drivers clearly need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. The DfT recognises that most authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a condition of first grant of a licence. (The stringency of the test reflecting the complexity or otherwise of the local geography, on the principle of ensuring that barriers to entry into the trade are not unnecessarily high).
- 5.4.2 It is argued that such topographical knowledge is, perhaps, not quite so important for private hire vehicle drivers as PHV's are not legally available for immediate hiring in the same way as taxis. (To hire a PHV the would-be passenger has to go through an operator, so the driver will, it could be argued, have an opportunity to check the details of a route before starting a journey.) It is, however, not envisaged that the Drivers Knowledge Test will be particularly complex or onerous. The tests will be used to simply establish that new applicants have a rudimentary knowledge of the geography and issues involved for example that they are able to demonstrate that they can read a map and have a reasonable knowledge of key items such as main roads and shopping areas. On balance, therefore, it is considered that a Drivers Knowledge Test should apply to new applicants for both hackney carriage and private hire vehicle driver's licences albeit that the simpler versions of such tests will be used in the case of private hire vehicle applicants.
- 5.4.3 *In order to maintain the high standards that the Authority expects of its drivers, it is proposed that a licence to drive a hackney carriage or private hire vehicle will not be granted unless the authority is satisfied that the applicant is a fit and proper person. In this context a driver's ability to find destinations and read A to Z maps is seen as a fundamental skill in providing a quality service for passengers.*

5.4.4 *In order to determine such fitness, it is proposed that applicants be required to undertake written test (Known as a “Drivers Knowledge Test”) as to their knowledge of:*

- *Local geography;*
- *The Highway Code;*
- *The Hackney Carriage and Private Hire Vehicle licensing law;*
- *Basic English Test.*

The procedures in relation to the above are set out in Appendix H.

5.5 Driving Proficiency, Qualifications, Disability and Safeguarding Children and Vulnerable Persons Training

5.5.1 The Driving Standards Agency provides a driving assessment specifically designed for taxis drivers. Whilst most licensing authorities rely on the standard car driving licence as evidence of driving proficiency, others require the above mentioned DSA or some further driving test to be taken. Authorities considering this route are asked to be mindful as to whether or not this produces benefits, which are commensurate with the costs involved for would-be drivers, in terms of both money and broader obstacles to entry to the trade. Similarly there are nationally recognised vocational qualifications for the taxi and PHV trades. These cover customer care, including how best to meet the needs of people with disabilities and there may be advantages in at least encouraging drivers to obtain one of these.

5.5.2 *It is believed that the standard car-driving test provides sufficient evidence of driving competency for the drivers of taxis and private hire vehicles in this area. It is considered that introducing a requirement that drivers pass the specific DSA test or indeed any other competency qualification would not produce benefits, which are commensurate with the costs involved. However, during any disciplinary hearings the Licensing Committee or Panel of that Committee, should it consider necessary, may require DSA qualification/training to be undertaken (see 6.4 below).*

5.5.3 *As part of the application process the Council is considering making compulsory for all new drivers and existing licensed drivers to undertake Disability and Safeguarding Children and Vulnerable Persons Training to make drivers aware of the diverse needs of the general public.*

5.6 Medical Examination

5.6.1 The DfT recognises that it is clearly good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and thereafter for each renewal. It is generally recognised that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal drivers because:

- they carry members of the general public who have expectations of a safe journey;
- they are on the road for longer hours than most car drivers; and
- they may have to assist disabled passengers (refer to 4.3 above) and handle luggage.

- 5.6.2 Adopting 'Group 2' medical standards as applied by DVLA to the licensing of lorry and bus drivers and applying the C1 standards to taxi and PHV drivers with insulin treated diabetes is considered to be best practice.



- 5.6.3 *A medical examination by an appropriately qualified doctor, to assess an applicant's fitness to drive a licensed vehicle, is required before a licence may be granted (not more than 2 months old). A DVLA Group 2 standard of medical fitness for professional drivers is required.*
- 5.6.4 *A form requesting a medical examination, which may be presented to the applicant's appropriately qualified doctor, is obtainable from the Licensing Team. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the confidential report must be submitted to the Licensing Team. The applicant may, on request, have a copy of the report.*
- 5.6.5 *With effect from 01.01.2009 licence holders were required to be medically examined every three years when renewing, or more frequently if required for medical reasons. [Note: this is amended from the previous requirement for a medical every two years when renewing. Thus any driver whose licence was granted with a two year interval between medicals i.e. before the policy was updated will still be required to do so until advised otherwise.]*
- 5.6.6 *In accordance with DVLA Group 2 standards all existing licence holders from the age of 65 years must be medically examined annually or more frequently.*
- 5.6.7 *Holders of current PSV and/or HGV Licences, will be required to undergo further medical examinations.*
- 5.6.8 *Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities.*
- 5.6.9 *Where there is any doubt as to the medical fitness of an Applicant, the Council may require the Applicant to undergo and pay for a further medical examination by a Doctor appointed by the Council.*
- 5.6.10 *Where there remains any doubt about the fitness of any applicant, the Licensing Committee or Panel of that Committee will review the medical evidence and make any final decision in light of the medical evidence available.*

5.7 Criminal Records Bureau (CRB) Disclosures

- 5.7.1 A criminal record check on a driver is seen as an important safety measure. The DfT considers that such checks should be at the level of Enhanced Disclosure through the Criminal Records Bureau as these disclosures include details of spent convictions and police cautions. Obtaining Criminal Records Bureau disclosures when a licence is first applied for and then every three years, even if a licence is

renewed annually is recommended as Best Practice in this area. Drivers would, however, be obliged to report all new convictions to the Authority.

- 5.7.2 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as “Spent” and which would not normally necessitate disclosure of that conviction. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended so as to exclude hackney carriage drivers and private hire vehicle drivers from the effects of the 1974 Act. Applicants for such licences are, therefore, now required to disclose all convictions, including those that would previously have been regarded as spent under the 1974 Act.
- 5.7.3 Before an application for a driver’s licence will be considered, the applicant must provide a current (not more than 2 months old) Enhanced CRB Disclosure of criminal convictions or a police check/certificate of good conduct from the relevant embassy in the case of an overseas applicant.
- 5.7.4 *The Council is an approved Criminal Records Bureau body; therefore, applicants can deal with the Criminal Records Bureau through the Council and will be charged an appropriate fee.*
- 5.7.5 *Currently an Enhanced CRB Disclosure of criminal convictions in respect of each licensed driver of a hackney carriage or private hire vehicle is required when a request is made for an initial licence. It is, however, proposed that, in future, such disclosures be submitted to the Council at least every 3 years bearing in mind that the Council can request another disclosure at any time if a further check is considered necessary. Licensed drivers are obliged to notify the Council without delay of any criminal convictions. Where criminal records are not being checked every 12 months, it is clearly more important that this requirement is strictly adhered to and accordingly any breaches of this requirement will immediately become the subject of a disciplinary hearing before the Council’s Licensing Committee or Panel of that Committee.*
- 5.7.6 *In moving to a regime, which allows for a CRB check on drivers every 3 years, it is proposed that some additional controls be introduced. These include the introduction of a system of random CRB checks on drivers, the costs of which could be met through a small increase in licence fees and a requirement that, each year of their 3 year licence, the licence holder be required to formally confirm (by signing a declaration) both their licence details and the fact that they have not been convicted of any criminal offence. In addition, any drivers with a record of a serious offence (see Appendix G) in the previous 5 years would only be granted a one year licence and would be required to provide a CRB check annually until such time as the date of the said offence was more than 5 years old.*
- 5.7.7 *The Council is bound by rules of confidentiality, and will not divulge information obtained to any third parties. The Applicant for a CRB disclosure will be sent a separate disclosure report to their home address, while the Council will also receive a copy of the report.*

5.8 Driver Vehicle Licensing Agency (DVLA) Check

- 5.8.1 This check can sometimes be referred to as the ‘Swansea’ check (the DVLA are based in Swansea). It is designed to give the Council an idea of your individual driving history. This is necessary to determine whether or not you are a safe driver and capable of driving a vehicle in the manner expected of a Hackney Carriage or

Private Hire Vehicle driver. It is also used to confirm that an applicant has held a full driving licence for a period of at least twelve months.

5.8.2 *It is considered that new drivers will be checked at inception of the licence and all drivers will be checked every three years along with the CRB check. The Council can also request another check at any time if a further check is considered necessary. The Council points drivers to 5.7 above regarding convictions, in which licensed drivers are obliged to notify the Council without delay of any criminal convictions. Where criminal records are not being checked every 12 months, it is clearly more important that this requirement is strictly adhered to and accordingly any breaches of this requirement will immediately become the subject of a disciplinary hearing before the Council's Licensing Committee or Panel of that Committee.*

5.8.3 *In moving to a regime, which allows for a DVLA check on drivers every 3 years, it is proposed that some additional controls be introduced. These include the introduction of a system of random DVLA checks on drivers, the costs of which could be met through a small increase in licence fees and a requirement that, each year of their 3 year licence, the licence holder be required to formally confirm (by signing a declaration) both their licence details and the fact that they have not been convicted of any criminal offence. In addition, any drivers with a record of a serious offence (see Appendix G) in the previous 5 years would only be granted a one year licence and would be required to provide a DVLA check annually until such time as the date of the said offence was more than 5 years old.*

5.9 Relevance of Convictions and Cautions

5.9.1 The guidance recommends that in considering an individual's criminal record, authorities be encouraged to consider each case on its merits, but to take a particularly cautious view of any offences involving violence, and especially sexual attack. Authorities are recommended to have a clear policy for the consideration of criminal records. For example, the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence. Such policies should encompass applicants from elsewhere in the EU and other overseas countries through, for example, by requiring a certificate of good conduct authenticated by the relevant embassy.

5.9.2 *In relation to the consideration of convictions and cautions recorded against persons the Council is proposing to adopt the policy set out in Appendix G under Relevance of Convictions.*

5.9.3 In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merit. They will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the Criminal Records Bureau, the Licensing Officer will assess whether any or all of the spent convictions are capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.

5.9.4 *In relation to cautions, the Council will have regard to the class and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application. Cautions given more than one year before the date of application will generally be treated as irrelevant.*

5.9.5 *In relation to previous convictions, the Authority will have regard to the following:*

- *The class of the offences;*
- *The age of the offences;*
- *The apparent seriousness, as gauged by the penalty.*

5.9.6 *Guidance in relation to specific offences, along with a summary of the principles of the Rehabilitation of Offenders Act 1974, is given in Appendix P. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application shall be granted.*

5.9.7 *In particular, applications will be referred to the Licensing Committee or Panel of that Committee where the applicant's record includes one or more of the following:*

- *Any term of imprisonment or custody;*
- *Any conviction for a violent or sexual offence, or dishonesty, which is of a serious nature;*
- *Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving;*
- *Where more than nine points have been acquired on their DVLA Driving Licence.*

5.10 Foreign National/Overseas Checks

5.10.1 The DfT considers it appropriate for licensing authorities to make checks on an applicant's right to work before granting a taxi or PHV driver's licence. What is important to note is that a Criminal Records Bureau check (referred to in 5.7 above) is not a right to work check and checks about the immigration status of an individual should be checked with the Border Immigration Agency. Further information can be found at www.bia.homeoffice.gov.uk

5.10.1 *As part of the applicant process an applicant will be required to undergo checks on their right to work within the UK. The procedure is for this set out in Appendix E.*

5.11 Application Procedure

5.11.1 *An application for a hackney carriage or private hire driver's licence must be made on the specified application form. The application procedure is set out in Appendix E.*

5.12 The Consideration of Applications

5.12.1 No formal policy has been adopted in respect of the relevance of specific criminal convictions in relation to applications for hackney carriage and private hire vehicle driver's licences. The Authority has, however, generally worked to the guidelines set out in the DfT Circular 2/92 and HO Circular 13/92 in assessing the relevance of specific criminal convictions to a particular application.

5.12.2 *The Council will consider each application on its own merit once the appropriate tests have been undertaken, and the application form and supporting documents are complete. The relevant elements of the procedure proposed to consider the merits of the application, based on the guidance set out in the above mentioned circulars, are now set out more formally in Appendix G.*

5.13 Grant and Renewal of Licences

- 5.13.1 The DfT guidance recognises that it is important, for safety reasons, that drivers should be licensed but advises that it is not necessarily good practice to require licences to be renewed annually. It sees this requirement as imposing an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period allowed for a licence and is in general advocated as the best approach.
- 5.13.2 It is however recognised that some drivers may prefer an annual licence because they have plans to move to a different job or to a different area, or because they cannot easily pay the fee for a three-year licence. The DfT consider that good practice would, therefore, be to offer drivers the choice of an annual licence or a three-year licence.
- 5.13.3 The licensing of hackney carriage and private hire vehicle drivers is governed by Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that these licences shall remain in force for three years from the date of such licence or for such lesser period as may be determined.
- 5.13.4 *If licences were issued on a 3 yearly basis with the fee adjusted to suit, there could be no overall change to income received. Furthermore, it could be argued that such a change would benefit the Council by enabling licensing administration procedures to be streamlined. It is, therefore, proposed that hackney carriage and private hire vehicle driver licences are issued for a period of three years rather than annually, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances. With effect from 1 June 2011 any new applicants applying for a licence will be brought into a 3 yearly licence cycle and existing drivers will be brought into the new system over a 3 year period (This will coincide with the driver's medical and CRB check).*
- 5.13.5 *The Council will continue to endeavour to remind holders of existing hackney carriage and private hire vehicle driver's licence to renew their licences, in the month preceding their expiry. Application forms, appropriate fees, and supporting documentation, as set out in Appendix E, **must be submitted at least 7 days prior to the expiry of the previous licence. Not having received a reminder will not be accepted as a reason for non-renewal of licences.***
- 5.13.6 *Applicants for renewal of a hackney carriage and private hire driver's licence are required to provide a current (not more than 2 months old) enhanced criminal record check from the Criminal Records Bureau every third year.*

5.14 Conditions of Licence

- 5.14.1 The Authority is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire vehicle driver's licence as are considered necessary.
- 5.14.2 *Appendix I contains Combined Hackney Carriage and Private Hire Vehicle driver's licence conditions. Although these conditions are attached to the Private Hire Vehicle part of the licence, it is considered that the conditions set out in Appendix I are reasonable, necessary and appropriate for all licensed drivers.*

5.15 Convictions

5.15.1 Where offences, leading to conviction, are committed by licensed drivers, it is important, in the interests of consistency and transparency, that a procedure should be in place to consider what effect this should have on their hackney carriage or private hire vehicle driver's licence.



5.15.2 *Drivers, who are convicted of any criminal or motoring offence during the currency of their hackney carriage or private hire vehicle driver's licence, must disclose the conviction and the penalty involved to the Authority within seven days. For these purposes, a fixed penalty motoring offence amounts to a conviction.*

5.15.3 *It is proposed that breaches of the relevant legislation or conditions attached to driver, operator and vehicle licences which may come to light following complaints, enforcement action or investigations should be dealt with following the general principals set out in Appendix M which is supplementary to any penalty points scheme which may be in operation.*

5.16 Code of Good Conduct

5.16.1 Adopting a Code of Good Conduct for hackney carriage and private hire vehicle driver's serves to promote the Council's licensing objectives in respect of the hackney carriage and private hire vehicle trades.

5.16.2 *The Council considers that a professional driver should not charge above the maximum fare, should adopt safe and passive driving techniques and set a good example to other road users. The standards expected of licensed drivers are set out in the Code of Good conduct, included in this policy document at Appendix J, which it is proposed be adopted and should be read in conjunction with the other statutory and policy requirements set out in this document.*

5.16 Driver's Dress Code

5.16.1 Anything that serves to enhance the professional image of the hackney carriage and private hire vehicle trade, and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed.

5.16.2 *It is considered that, in order to raise the profile of the licensed trade, drivers should operate, at all times in a professional manner and conform to a minimum standard of dress, which is detailed at Appendix K. The Authority will not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times (this includes when attending the Council offices).*

Failure to comply with the Dress Code will, accordingly, render a licensed driver liable to the issue of penalty points under the scheme set out in Appendix O.

6 DISCIPLINARY AND ENFORCEMENT MEASURES

6.1 Enforcement

6.1.1 It is recognised that well-directed enforcement activity by the Authority benefits not only the public but also the responsible members of the taxi and PHV trades. The

DfT accepts that the resources devoted by licensing authorities to enforcement will vary according to local circumstances. They remind authorities, however, that it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late night period, when problems such as touting tend most often to arise.

- 6.1.2 *In pursuance of its objective to encourage responsible hackney carriage/private hire vehicle businesses, the Council will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 2.2.1 of this document.*
- 6.1.3 *The Council has adopted the Taxi Licensing and Enforcement Policy & Practice set out at Appendix L to ensure that its enforcement effort is reasonable, transparent and well directed.*

6.2 Disciplinary Hearings

- 6.2.1 *Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Authority's Licensing Committee or Panel of the Committee. One of the functions of this Committee or Panel is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire vehicle licence, and to take the action appropriate to the circumstances.*

The procedures, adopted in respect of Disciplinary Hearings, are set out in Appendix N.



6.3 Penalty Points Scheme

- 6.3.1 Whilst the operation of a successful Hackney Carriage and Private Hire Vehicle service is important to the economic well-being of the District, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.
- 6.3.2 The Council clearly has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by legislation, licence conditions, codes or as adopted by the Council. Together they identify what is required of the trade and help to ensure that a consistent approach is taken by Council Officers in their application.
- 6.3.3 A number of licensing authorities have found that an effective means of applying the conditions at a local level is through the adoption of a penalty points scheme. This acts as a first step in ensuring compliance with the conditions, and serves as an "early warning" system to drivers and owners or operators who see fit to ignore their responsibilities or fail to meet the requirements of the conditions. Points are accumulated on a sliding scale dependent upon the type of offence or breach of licence conditions. These penalty points then remain "live" for a period of say a year or two years from the date they are imposed so that only points accumulated in, for example, a rolling 24 months period are taken into account. If a driver,

proprietor or operator accumulates, for example, twelve or more points within a period of two years from the date they are imposed, he/she would then be brought before the Council's Licensing Committee or a panel of the committee who would have a range of punishment options open to them, depending on circumstances.

6.3.4 *It is believed that the introduction of a penalty points scheme will assist the trade in maintaining its high standards. Adoption of the Penalty Points System (an example of the scheme is set out more fully in Appendix O) will not however compromise the Council's ability to enforce breaches of statute or local conditions in the Courts should an offence warrant such action.*

6.4 Range of Powers

6.4.1 The Council may take any of the steps below, upon receipt of evidence that an offence has been committed in relation to a hackney carriage licence or private hire vehicle driver's licence. A breach of a condition or of the Hackney Carriage and Private Hire Vehicle Licensing Policy amounts to an offence in this context.

- Suspension of the Licence;
- Revocation of the Licence;
- Refusal to Renew;
- Issuing of Warnings or Cautions;
- Prosecution.

6.4.2 Suspension

(i) Vehicles

Hackney carriage vehicles and PHVs must be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions is essential and will be enforced by periodic, random vehicle inspections by the Authority. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the proprietor setting out the defect(s) and where public safety is likely to be imperilled, the further use of the vehicle will be suspended (by a stop notice) until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor's expense and been passed as fit for use as a hackney carriage/PHV.

(ii) Drivers

The Authority may exercise its discretion to suspend the operation of a driver's licence for a specified period. Such action will, however, only be taken after a hearing before the Licensing Committee or Panel of the Committee (except where it is in the interests of public safety, under the Road Safety Act 2006 a suspension of a licence is to have immediate effect, and the notice given to the driver). During suspension the Licensing Committee or Panel of the Committee may deem it necessary for the driver to undertake an appropriate training course or qualification (see 5.5 above).

6.4.3 Revocation

Where a licence holder has been referred to the Licensing Committee or Panel of the Committee because he/she has been convicted of a serious criminal offence, or has accumulated 12 penalty points or more under the Authority's penalty points

system, the Committee may order the revocation or suspension of the licence. Where it is in the interests of public safety, under the Road Safety Act 2006 revocation of a licence is to have immediate effect, and the notice given to the driver.

6.4.4 Refusal to Renew

As an alternative to revocation, the Committee or Panel may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed.

6.4.5 Issuing of Warnings and Cautions

As a method of dealing with less serious matters, the Authority will issue warnings and cautions as are appropriate to the circumstances. Minor or first-time transgressions are likely to attract either an oral or written warning. Repeated or more serious conduct is likely to lead to the issuing of a formal caution, provided:

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

6.4.6 Prosecution

The Authority will usually prosecute licence holders for relevant offences in the following circumstances:

- *where the allegation is of a serious or repeated offence;*
- *where the Authority proposes to caution the licence holder, but the offence is not admitted nor the caution accepted.*

7 ROAD SAFETY ACT 2006

Following a review of the legislative framework within which Licensing Authorities carry out their licensing duties, the Government identified a number of significant safety risks and decided that they would use the opportunity presented by the Road Safety Act 2006 to address these risks.

Set out below is a description of these risks, how the law is being changed with regard to each of the issues concerned and when each of these changes came into effect.

7.1 Power to suspend or revoke a driver's licence with immediate effect

Previously, a hackney carriage or private hire vehicle driver could continue to work as a driver whilst appealing to the magistrates court against a decision by the local Licensing Authority to suspend or revoke his hackney carriage or private hire vehicle drivers licence.

On 16 March 2007, Section 52 of the Road Safety Act 2006 came into effect which gave Licensing Authorities the power to suspend or revoke a hackney carriage or private hire vehicle driver's licence with immediate effect where they are of the opinion that it is in the interests of public safety require such a course of action.

7.2 Repeal of the contract exemption

Previously in England and Wales (outside London) a vehicle was exempt from the requirement to be licensed as a private hire vehicle if it is used for contract work lasting not less than seven days. This is commonly known as ‘the contract exemption’. Neither the driver of the vehicle nor the operator who arranged hirings needed to be licensed.

On 28 January 2008, Section 53 of the Road Safety Act 2006 repealed the contract exemption. From this time, any vehicle which, falls within the definition of ‘private hire vehicle’ in the Local Government (Miscellaneous Provisions) Act 1976 must be licensed. Any person who drives a licensed private hire vehicle must hold a valid private hire vehicle drivers licence and any person who arranges hirings using a licensed private hire vehicle **must** hold a private hire operators licence. The only exemptions from licensing will be for vehicles used solely for weddings and funerals.

Any vehicle proprietor or operator who is in any doubt about whether the vehicles which he/she owns or operates should be licensed as a private hire vehicle should, in the first instance, discuss the matter with the Licensing Authority and, if necessary, seek advice from an independent legal adviser.

8 OFFENCES

8.1 Offences are derived from the following sources:

- Town Police Clauses Act 1847 (Hackney Carriages only);
- Local Government (Miscellaneous Provisions) 1976 (Hackney Carriages and Private Hire Vehicles);
- Transport Act 1980 (Private Hire Vehicles only);
- The Hackney Carriage and Private Hire Licensing Policy (Hackney Carriages and Private Hire Vehicles).

The relevant offences under the 1847 Act, the 1976 and the 1980 Act are set out in Appendix P.

9 DELEGATED POWERS

9.1 Licensing Committee

9.1.1 The Licensing Committee of the Mid Suffolk District Council is responsible for the management of the hackney carriage and private hire vehicle licensing regime in the district, along with the formulation and review of its policy in this regard.

9.2 Delegated Functions

9.2.1 The Licensing Committee has delegated responsibility for exercising the council’s functions in respect of the following:

- Sections 47, 57, 58 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; and as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.

- Power to licence drivers of hackney carriages and private hire vehicles under sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
- Power to licence operators of hackney carriages and private hire vehicles under Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Committee will deal with applications and disciplinary matters referred to it by Licensing Officers.

9.2.2 The Council's District Monitoring Officer has delegated responsibility, in so far as it relates to hackney carriage or private hire vehicles, in respect of the licensing and registration functions of the Council listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) for:-

- Deciding applications for authorisations, registration, consents, licences or certificates of approval;
- Serving notices and taking consequential action, including carrying out work in default;
- Issuing simple cautions;
- Recommending that legal proceedings be instituted by the Corporate Legal Advisor;
- Authorising Licensing Officers to exercise statutory functions (including powers of entry and obtaining warrants).

9.2.3 The Licensing Committee has delegated responsibility to the Council's Principal Licensing Officer to amend sections 1, 2, 4, 5, 7, 10, 11, 12, 13 and 14 of this policy document where legislation/Government guidance has changed, using section 16 to give reasonable notice to licensees. Where the Principal Licensing Officer exercises their function under this section, the policy must be brought before the members of the Licensing Committee at least every two years or less if deemed appropriate.

Through this delegation, Licensing Officers, on behalf of the District Monitoring Officer, have power to grant or suspend licences, but not to refuse or revoke them (excluding those revoked under the Road Safety Act 2006 by Officers in consultation with the Council's Legal Adviser). Officers also have power to issue oral and written warnings, and cautions, and may recommend that prosecutions be instigated wherever appropriate.

10 PRIVATE HIRE VEHICLE OPERATORS

10.1 Requirements & Obligations

10.1.1 Any person who operates a private hire vehicle service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must possess a Private Hire Vehicle Operator's Licence. The objective in licensing PHV Operators is to ensure the safety of the public, who will be using operators' premises, vehicles and drivers arranged through them. However, best practice, in

10.4.2 *The conditions referred to at 10.3 above (and set out in Appendix R) include a requirement that comprehensive records are kept in respect of all bookings, vehicles and drivers.*

10.5 Insurance

10.5.1 It is considered appropriate for an Authority to check that appropriate public liability insurance has been taken out for premises that are open to the public

10.5.2 Before an application for a PHV Operators Licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

10.5.3 *The conditions proposed for Private Hire Vehicle Operator's Licences, set out in Appendix R require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate as well as appropriate public liability insurance for their premises.*

10.6 Licence Duration

10.6.1 The DfT considers that annual licence renewal is not necessary or appropriate for PHV Operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). They recommend, as good practice, that a licence period of five years would be reasonable in the average case, although an authority may wish to offer operators the option of a shorter period.

10.6.2 *It is considered that 5 years is a long time in the context of the life of a business of this type. Although in law the power exists to grant licences for a longer period of time than the annual licences that this authority currently issues, which is a system that works well. It is therefore deemed at this present time that this system should continue in this vain, with the authority looking into the power to issue licences for a longer period of time.*

10.6.3 *Applicants for renewal of a PHV operators licence are required to provide a current (not more than 2 months old) basic criminal record check from the Criminal Records Bureau every third year.*

10.6.4 *The Council will continue to endeavour to remind holders of existing PHV operators' licences to renew their licences, in the month preceding their expiry. Application forms, appropriate fees, and supporting documentation, as set out in Appendix Q, **must be submitted at least 7 days prior to the expiry of the previous licence. Not having received a reminder will not be accepted as a reason for non-renewal of licences.***

10.7 Address from which a PHV Operator may operate

10.7.1 *Upon grant of a PHV operator's licence, the Authority will specify the address from which the operator may operate. The operator must notify the Authority in writing of any change of his/her address, (whether this is a home address or the address from he/she operates) during the period of the licence, within 7 days of such change taking place.*

10.8 Bases outside the Mid Suffolk District Council Area

10.8.1 *The Authority will **not** grant a PHV operator's licence for an operator with an operating base that is outside the Mid Suffolk District Council 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.*

10.9 Application Procedure

10.9.1 *An application for a private hire vehicle operator's licence must be made on the specified application form. The application procedure is set out in Appendix Q.*

11 FARES

11.1 General

11.1.1



Licensing Authorities have the power to set taxi fares for journeys within their area (there is no power to set fares for PHV's). The DfT sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. It suggests that in doing so authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service at the times when it is needed. It recognises that there may well be a case for higher fares at times of higher demand.

11.1.2 Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. Such negotiations are, however, to be discouraged at ranks or for on-street hailings as they could lead to confusion and security problems. Local licensing authorities are, nevertheless, advised that they can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

11.1.3 *Consultation has taken place for the introduction of a table of fares; consideration has been give to use of a tariff formula by which fares are set annually. This formula has been used by some licensing authorities and usually involve timetabling annual tariff reviews to coincide with the release of national statistics on relevant factors e.g. average earnings, motoring costs or fuel prices. Such an arrangement would cause a review to be undertaken as a matter of course and the agreed formula would then be applied. This then results in the publication of either tariff proposals or a maximum percentage increase in fares above which the authority would not consider any applications. However, although a number of*

authorities have introduced different formulae in an attempt to ensure that tariffs are automatically updated, most are very complex and none seem to have gained universal acceptance. In any event, all the formulae are generally used to provide a maximum percentage rise in fares above which the Council will not consider any application for a tariff review. None of the formulae seen can be used to set the various individual elements that make up a taxi fare (i.e. base rate + first flag drop + subsequent flag drops) an example of one of the more commonly used schemes, the "Brighton and Hove Formula", is provided by way of information at Appendix S. However it unfortunately appears, to be capable of being interpreted in different ways with differing results. Until, therefore, a robust formula, which has the support of the trade, the public and the council can be arrived at, it is difficult to recommend implementation of a fares formula other than perhaps something as simple as the retail price index or some similar, generally accepted measure of year on year inflation.

11.2 Prescribed rates

- 11.2.1 The driver of a hackney carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council. The driver/operator of a private hire vehicle (on the other hand) may make their own agreement with the hirer as to the fare for a particular journey.
- 11.2.2 There are no provisions in either the relevant legislation or this policy, which prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.
- 11.2.3 *It is not proposed to introduce provisions that would prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.*

11.3 Table of Fares

- 11.3.1 The maximum fares currently prescribed by the Authority are set out in Appendix S. A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

11.4 Review

- 11.4.1 Fares rates would, normally only be reviewed by the Council following representations from the trade or from a particular sector of the trade. As explained in 11.1.1 above, however, guidance recommends that authorities should regularly review the scale of fares that operate in their area.
- 11.4.2 *Obviously, if a suitable fare formula could be arrived at, it would necessitate review of the prescribed fares each year based on that agreed formula. In the absence of such an arrangement, it is proposed that, unless there are exceptional circumstances which would justify a further increase (for example, where there has been a particularly sharp rise in petrol/diesel prices), fare scales would be reviewed no more than once per year between January and March with any change being implemented on 1st April following.*

11.5 Receipts

- 11.5.1 A hackney carriage and private hire vehicle driver must, if requested by the passenger, provide him/her with a written receipt for the fare paid.

12.1 Fee Structure

- 12.1.1 The guidance does not deal with the issue of licensing fees at all. It is, however, generally recognised that the fees set for all hackney carriage and private hire vehicle licences should be such as to ensure that the costs of the service, including the cost of issue and administration will, so far as possible be met from fee income. It is, on the other hand, not lawful for the Council to seek to make a profit from licence fees that are within its discretion. In particular, with regard to the fees charged for hackney carriage and private hire vehicle and operator licences, the legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of hackney carriages and private hire vehicles.
- 12.1.2 Comparison of Mid Suffolk District Council's licence fees with other local authorities in Suffolk, shows them to be generally on the low side, particularly in respect of both operators and drivers.
- 12.1.3 *The fees payable for the grant and renewal of hackney carriage and private hire vehicle licences are set out in Appendix U. The fee structure will be reviewed annually as part of the budgetary process and that licence holders are notified of any changes. Notice of the current scale of fees will be supplied to new applicants at the time of application.*

12.2 Payments

- 12.2.1 Fees for licences, deposits or vehicle inspections must be made payable to Mid Suffolk District Council.

12.3 Payment Refunds and Other Fees

- 12.3.1 Applicants for a new driver's licence must pay all required application fees before the process can begin. Should the Council refuse to grant such a licence in accordance with the law, only the cost of the drivers badge is refundable. Mid Suffolk District Council does not provide refunds of vehicle licence fees when licence holders change or sell their vehicles or cease to operate.
- 12.3.2 *In common with most types of licence, the appropriate fee will be paid when the application is submitted and that a charge be introduced to cover the administrative costs associated with the transfer of a vehicle. In the case of vehicle licences, where licence holders surrender their licences prior to their expiry date, it is confirmed that the Authority will not make any refund in respect of the unexpired portions of the licence fees.*
- 12.3.3 *Other fees which will be charged to cover the cost of administration will be made for change of address, change of name (for example change of driver's name or operation name), change of vehicle, replacement of licence (i.e. lost or stolen) and temporary vehicles (i.e. in the event that the vehicle is being repaired after an accident. In the interest of fairness the fees will be charged on a sliding scale of daily, weekly and monthly rates, depending on how long the vehicle is in for repair). These fees will come in during the implementation of the policy; the Authority will make licence holders aware of when each comes into effect.*

13 SMOKING AND THE LAW

On 1 July 2007 England and Wales under the Health Act 2006 went smoke free, meaning it is now an offence under that Act to smoke in virtually all enclosed public places, workplaces and in public and work vehicles.

Set out below shows what this means for Hackney Carriage and Private Hire Vehicle Drivers, Hackney Carriage Vehicles, Private Hire Vehicles and Private Hire Vehicle Operators.

13.1 How this affects you and your licensed vehicle

- A licensed taxi or PHV driver and any passengers, (whether fare paying or not) may no longer smoke in a licensed vehicle. This applies to all licensed vehicles for hackney carriage, private hire vehicle and stretched limousines.
- All licensed vehicles will be 'No-Smoking' Zone at all times.
- Smoking in any licensed vehicle even if you are not carrying a fare or when you are off duty or in your own leisure time, is not permitted.
- 'No-Smoking' Signs must be displayed in each compartment of the licensed vehicle. For saloons, estates and hatchbacks this will be in the front and back; and for MPV's, Transporters etc in the front, middle and back.
- All signs must be visible from the outside and be clearly visible by any passenger you are transporting.
- As a taxi or PHV driver you **must** take reasonable steps to stop someone smoking in your vehicle.
- If as a taxi or PHV driver you have an awkward passenger who insists on smoking drop them off and note down the date, time, place and name of the person (if known).

13.2 How this affects your premises as a proprietor or operator

- All places of work including taxi offices **must** be 'Smoke-Free'
- All premises **must** display 'No-Smoking' Signs
- The owner/manager/proprietor or operator must take reasonable steps to meet the requirements under the above Act such as:
 - Removing all ashtrays;
 - Training employees and drivers so they understand the law and what their responsibilities are;
 - Implement a Smoke Free Policy.

13.3 How The Smokefree Law Is Enforced

Local Councils (at Mid Suffolk District Council the responsibility sits with the Environmental Health Department) are responsible for enforcing the law. During the run-up to 1 July 2007, the Council worked closely with businesses to help ensure

everyone understood what they needed to do to comply with the law. Further information on the law can be found at the Smoke Free England Website www.smokefreeengland.co.uk.

What are the Penalties?

Anyone who does not comply with the new smoke free law will be committing a criminal offence. The fixed penalty notices and maximum fine for each offence are set out below.

The fixed penalty notice includes information on the details of the offence and how payment is to be made. Anyone who receives a fixed penalty notice can choose to have the matter dealt with by a court. If a person does not pay a fixed penalty notice, the matter may also be referred to a court to be dealt with.

Offence	Who is liable?	Fixed Penalty Notice (if paid in 15 days)	Fixed Penalty Notice (if paid in 29 days)	Court awarded fine
Smoking in a smokefree place	Anyone who smokes in a smokefree place	£30	£50	Up to £200
Failing to display required no-smoking signs	Anyone who manages or occupies the smokefree premises or vehicle	£150	£200	Up to £1000
Failing to prevent smoking in a smokefree place	Anyone who manages or controls the smokefree premises or vehicle	N/A	N/A	Up to £2500

13.4 Convictions, Warnings, Cautions etc under the Health Act 2006

Any convictions, warnings, cautions etc issued by the Council's Environmental Health department under the Health Act 2006, upon consultation with the Environmental Health department and the Corporate Legal Advisor, the Principal Licensing Officer will deal with the matter under 6.2 above, following procedures set out in Appendix M.



14 TAXI RANKS

14.1 Appointed Ranks

14.1.1 *Two ranks for hackney carriages have been designated within the Mid Suffolk District Council area and these are listed in Appendix V.*

14.1.2 *The number and position of the taxi ranks within the district has been reviewed, however comments would, accordingly be welcomed from either the trade or the public on the need for additional ranks in specific locations.*



14.2 Waiting on Stands

14.2.1 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

15 WEBSITE ADVERTISING

15.1 Any website in operation to advertise either hackney carriage or private hire vehicle operation must be disclosed to the Council.

15.2 For PHV Operators the website specifically must not include the words "taxi", "cab", "hackney carriage" or "hire" as the use of these is not permitted.

15.3 No alternative words or spellings, such as "Kab", which would have the effect of leading the public to believe that the vehicles are a hackney carriage available for hire, may be used on the vehicle.

15.4 The Council's decision as to the interpretation of this shall be final.

16 TERMS AND CONDITIONS APPLYING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

16.1 In these terms and conditions the following “**Interpretation**” provisions shall apply:

1. Words importing masculine gender only shall include the feminine and vice versa.
2. Words importing the singular shall include the plural and vice versa.
3. Words importing persons shall include companies and corporations and vice versa.
4. Reference to an Act of Parliament or any Order, Regulation, Statutory Instrument or the like shall include reference to any amendment or re-enactment of the same.
5. These Terms and Conditions shall be governed by and construed in accordance with English Law.
6. References to any person, body, title or position shall include any successor discharging that function unless the context otherwise provides.
7. With these Terms and Conditions reference to “the Council” or “the Local Authority” shall be references to Mid Suffolk District Council unless the context otherwise provides.
8. Mid Suffolk District Council shall be entitled to amend or vary any or all of these Terms and Conditions as deemed appropriate at any time after giving reasonable notice to licensees.
9. The Council’s decision as to the interpretation of this Policy shall be final.



APPENDIX A

VEHICLES - SPECIFICATIONS AND CONDITIONS OF LICENCE

1 GENERAL

- 1.1 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.
- 1.2 All vehicles shall have an appropriate “type approval” which is either a:-
- European Whole Vehicle Type approval;
 - British National Type approval; or
 - British Single Vehicle Approval.
- It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.
- 1.3 All vehicles shall be capable of carrying not less than 4 passengers, be fitted with a right hand drive (an exception regarding right hand drive may be made in the case of a stretched limousine) and shall have an engine size not less than 1298cc.
- 1.4 All vehicles shall comply with all construction and use/type approval requirements applicable to it.
- 1.5 All vehicles shall be either a purpose built taxi, or a 4-door saloon or 5-door hatchback/estate/multi-passenger vehicle except that a private hire vehicle shall not be of the London Taxi type.
- 1.6 Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time.
- 1.7 Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.
- 1.8 All vehicles shall at all times be maintained in sound and roadworthy condition and serviced according to the manufacturer’s recommendations.
- 1.9 No vehicle must be fitted with ‘bull bars’ or other modification that increases the risk to passengers, pedestrians or other road users.

2 DOORS

- 2.1 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.
- 2.2 All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.

- 2.3 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, excluding the rear exit and the driver's front door.

3 INTERIOR DIMENSIONS

- 3.1 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.
- 3.2 Knee Space: There must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

4 SEATS

- 4.1 Access to every passenger seat must be unobstructed and be easily accessible to passengers without the need for seats to be folded or removed and without the need for more than one passenger to move.
- 4.2 Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.
- 4.3 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 restraint **MUST** be worn, where an appropriate child restraint 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 3-11 years old an adult seat belt must be worn if an appropriate child restraint is not available.
- 4.4 When a child seat or booster seat is used in the front seat where there is an active front airbag, the vehicles handbook must be consulted to see what is stated about children in seats with frontal airbags. This can vary from car to car. We strongly recommend that advice should be followed because airbags are powerful safety devices that must be treated with respect. Children, and adults for that matter, should not sit close to an active frontal airbag. It is suggested by the UK Department for Transport that the car seat should be as far back as possible from an airbag.

5 SEAT BELTS

- 5.1 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 PASSENGER CAPACITY

- 6.1 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.

7 FIRE EXTINGUISHERS

- 7.1 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. Three stickers must be fitted to the vehicle; one on the dashboard facing the front seat passenger and one facing out on each of the rear passenger door windows (on larger vehicles a sticker must be placed on all rear doors) stating a fire extinguisher is carried all must be clearly visible to passengers.
- 7.2 All extinguishers must be checked every 12 months, prior to vehicle testing or prior to change of vehicle test. Such a check shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8, by a registered competent company. 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.

8 FIRST AID KIT

- 8.1 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 and appliances for immediate use in an emergency. As a minimum this kit must contain the following:
- 20 individually wrapped sterile adhesive dressings (assorted sizes)
 - 2 sterile eye pads
 - 2 individually wrapped sterile triangular bandages
 - 4 safety pins
 - 6 medium sized (approximately 12cm x 12cm) individually wrapped sterile wound dressings
 - 2 large (approximately 18cm x 18cm) individually wrapped sterile wound dressings
 - 1 pair of disposable gloves

9 VENTILATION

- 9.1 Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.
- 9.2 Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available.

10 LUGGAGE

- 10.1 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.
- 10.2 In the case where a roof mounted storage is used, this must not obstructed the roof mounted signage.

11 MAINTENANCE AND CONDITION OF THE VEHICLE

- 11.1 The interior and exterior of the vehicle shall be maintained in a clean, safe and proper manner to the reasonable satisfaction of the Council and without prejudice to the foregoing 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, tears to the same and the seats shall be required to function in accordance with the original manufacturer's specification.
- 11.2 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.

12 MODIFICATIONS

- 12.1 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.

13 LICENCE PLATES AND STICKERS

- 13.1 Except as provided at 13.4 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.
- 13.2 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).
- 13.3 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.
- 13.4 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 external vehicle licence plate. However the requirements of 13.3 above must be complied with.
- 13.5 All applications for dispensation from the requirements to display the external vehicle licence plate will be considered by the Licensing Committee or a Panel of the Committee who will take into account the individual circumstances of the case. Dispensations are unlikely to be granted unless the applicant can satisfy the Committee or Panel 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). Such vehicles must display a windscreen badge, provided by the Council. These badges will show the details of the vehicle as they appear on the plate. Vehicle

licence plate and door signs will be provided. These 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.

14 SIGNAGE

14.1 Hackney Vehicle Markings

- 14.1.1 Hackney carriage vehicles, other than minibuses, transits, people carrier type vehicles and 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" on the side facing the front and the name of the company, or its telephone number, or "TAXI", or any combination of the three on the side facing towards the rear of the vehicle. The roof sign and lettering shall be of an appropriate size to enable it to be read clearly from a distance of 14 metres.
- 14.1.2 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.
- 14.1.3 On purpose built vehicles, with built-in roof signs, the roof light must be extinguished when the fare meter is in use.
- 14.1.4 Minibuses, transits and people carrier type vehicles which are not fitted with an appropriate roof sign, as indicated above, shall have the word "Taxi" in letters of between 25cm and 30 cm in height displayed on the front and rear of the vehicles so that they can be clearly identified as a hackney carriage vehicle.

14.2 Private Hire Vehicle markings

- 14.2.1 Self adhesive identification signs as approved by the Council, indicating that insurance is invalid unless the vehicle is booked by private hire, must be affixed to the drivers' door and front passenger door panels of the vehicle. These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has current private hire vehicle plate affixed.
- 14.2.2 A Private Hire Vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage.
- 14.2.3 Any advertising or signage on the vehicle must specifically not include the words "taxi", "cab", "hackney carriage" or "hire" the use of which is not permitted.
- 14.2.4 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 14.2 shall be final.

14.3 Smoking Signage

14.3.1 All smoking signage must comply with the section on Smoking and the Law see page X of the policy.

- 'No-Smoking' Signs must be displayed in each compartment of the licensed vehicle. For saloons, estates and hatchbacks this will be in the front and back; and for MPV's, Transporters etc in the front, middle and back.
- All signs must be visible from the outside and be clearly visible by any passenger you are transporting.

15 ADVERTISING ETC

15.1 Any advertising on the vehicle must be restricted to the name, logo or insignia, telephone number, free-phone number, fax number, E-mail address or Web site of the owner or operator of the vehicle. Advertising of other businesses or products or services is **not** permitted and no art works, slogans or other displays of any kind are permitted.

15.2 No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.

15.3 Limited advertising, in line with the requirements of 15.1 and 15.2 above may be displayed on a vehicle subject to the following conditions:

15.3.1 Hackney Carriages

- (i) For saloons and estate cars the lettering of all advertising/graphics etc must be a maximum height of 15 cm and may be displayed on either the sides of the vehicle, front and rear wings, doors or on the bonnet or the rear of the vehicle.
- (ii) For minibuses, transits and people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 25 cm and may be displayed on either the sides of the vehicle, front and rear wings, doors or on the rear of the vehicle. In addition, the single word "Taxi", to a maximum height of 30 cm, may be placed on the front and rear of the vehicle.
- (iii) Any advertising may include details of current fare scales or discounts charged by the owner/proprietor.

15.3.2 Private Hire Vehicles

- (i) For saloons and estate cars the lettering of all advertising/graphics etc must be a maximum height of 7.5 cm and must be confined to either the rear doors, the rear wings or the rear of the vehicle to a size which does not exceed 800 sq. cms on either side or on the rear of the vehicle.
- (ii) For minibuses, transits and similar people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 12.5cm and must be confined to either the rear doors, the rear wings or the rear of the vehicle to a size which does not exceed 1400 sq. cms on either side or on the rear of the vehicle.

- (iii) No signs whatsoever, other than the identification signs approved and supplied by the Council (see 14.2.1 above) must be affixed to the drivers' door and front passenger door panels of the vehicle.

16 COMMUNICATIONS DEVICES

- 16.1 All two-way radio equipment must be of a type currently approved by Ofcom (Office of Communications).
- 16.2 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.
- 16.3 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.
- 16.4 The use of a Citizen Band (CB) transmitter or receiver is prohibited.

17 METERS

17.1 Hackney carriages

- 17.1.1 A calendar-controlled taximeter, approved by the Council, must be fitted and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure. It must be easily visible to passengers.
- 17.1.2 The taximeter and all the fittings thereof shall be so affixed 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.
- 17.1.3 The taximeter shall be positioned so that all letters and figures on the face thereof may be at all times plainly visible 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.
- 17.1.4 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.
- 17.1.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the Licensing Team so that arrangements for resetting and resealing may be made.
- 17.1.6 Any failure to the taximeter must be reported to the Licensing Team by 10:00 am the next working day.
- 17.1.7 An official copy of the Council's fare chart shall be clearly displayed in the vehicle so as to be plainly visible to passengers carried therein.
- 17.1.8 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.

17.1.9 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. In the event of such a journey commencing in but ending outside the district of Mid Suffolk there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of hackney carriages.

17.2 Meter Testing

17.2.1 The meter will be calibrated in accordance with the current table of fares.

17.2.2 A certificate of calibration must be produced to the Licensing Team before the meter is tested.

17.2.3 All taximeters are required to be tested 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;
- the seal is found to be broken/irregular; or
- an irregularity is reported/found as a result of a customer complaint or enforcement spot check.

17.2.4 Testing of the meter will include a run over a measured mile, and shall be checked against the Council's table of fares.

17.2.5 Once the meter has been tested it will be sealed by an authorised officer of the Council, with an identifiable seal and must not be altered or tampered with.

17.2.6 All meters are required to be calibrated tested and sealed annually on the date specified by Mid Suffolk District Council. The cost of which will be borne by the vehicle owner.

17.3 Printed Receipts

17.3.1 If the taximeter has the ability to issue printed receipts, the receipt information must include a minimum of the following:

- date of issue;
- time of issue;
- metered fare;
- metered extras;
- tariff code shown on the meter, i.e. tariff 1,2,3; and
- total fare.

Additional information may be permitted by application to the Licensing Team and could include:

- start time of journey;
- time taken for journey; and
- distance travelled.

17.3.2 A printer fitted to a licensed Mid Suffolk Vehicle must be approved by the Council before installation. Full technical specifications must be submitted for consideration as part of the approval process.

17.3.3 All printers must be E-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.

17.4 Private Hire Vehicle

17.4.1 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 at 17.1, 17.2 and 17.3 above, which appertain to such meters when fitted in hackney carriage vehicles.

17.4.2 The current fare chart shall either be clearly displayed in the vehicle or there shall be exhibited within the vehicle, so as to be plainly visible to passengers carried therein, 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.

18 TRAILERS

18.1 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 recognized 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 roads 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.

19 DISABILITY ACCESS

19.1 In the case of all vehicles, which are built or adapted for disabled passengers, 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.

19.2 Where a vehicle is utilised for the carriage of passengers in 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 helper;
- Ramps and lifts must be securely stored in the vehicle before it may move off.

19.3 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.

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

19.5 Subject to the provisions of section 15 above, a sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided that the vehicle has been manufactured or properly adapted for that purpose.

20 VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)

20.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered safe

20.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

21 TINTED WINDOWS

21.1 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. A minimum visible light transmission value (VLT) of 70% shall be maintained in the front side windows of the vehicle and the windscreen shall have a minimum visible light transmission value (VLT) of 75%. Except for stretched limousines (see Appendix B paragraph 2.4) 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 Vehicles

currently licensed by this Council fitted with factory tinted glass by the vehicle manufacturer when new will **not** be required to satisfy this condition.

22 INSURANCE

- 22.1 There shall be a policy of insurance or such security as complies with the requirements of Part IV of the Road Traffic Act 1972 during the currency of the vehicle licence.

23 CHANGES

- 23.1 Any change affecting this vehicle licence must be notified within 14 days of such change, to the Licensing Officer.
- 23.2 When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Licensing Officer, in writing, before such change takes place. Failure to do so is likely to result in the refusal to renew the licence.

24 INSPECTION

- 24.1 The vehicle licence must be available for inspection at all times on request by any authorised officer of the Council or any Police Officer.

25 UNAUTHORISED USE

- 25.1 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.

26 ACCIDENT REPORTING

- 26.1 If any licensed vehicle is involved in an accident, this must be reported to the Licensing Officer within 48 hours of the incident.
- 26.2 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.
- 26.3 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.

27 SATELLITE NAVIGATION

27.1 Hackney Carriage

27.1.1 From 01.08.11 the proprietor of a hackney carriage is required to affix within the carriage a satellite navigation system of a type conducive of the UK roads (must have UK mapping) and is to be used at all times when the vehicle is used for hire.

27.1.2 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 drivers concentration from the road.

27.1.3 The proprietor of a hackney carriage is required to keep the satellite navigation system up to date with the latest maps at all times.

27.2 Private Hire Vehicle

27.2.1 From 01.08.11 where the proprietor of a private hire vehicle fitted with a satellite navigation system of a type conducive to the UK roads (must have UK mapping).

27.2.2 Where a satellite navigation system is fitted in a private hire vehicle it must comply with the requirements of 27.1.2 and 27.1.3 above.

28 MISCELLANEOUS

28.1 The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose whatsoever.

29 DISPENSATION/ VARIATION

29.1 The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out herein.

APPENDIX B

ADDITIONAL CONDITIONS FOR PRIVATE HIRE VEHICLE LIMOUSINES

Stretched limousines shall comply with the existing conditions of licence applicable to all licensed private hire vehicles (Appendix A above) in so far as they are not superseded by these additional conditions and the local private hire vehicle licence fee shall be the same.

1 TYPES OF VEHICLES

- 1.1 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;
 - Limousine Declaration of Condition of Use.

2 VEHICLE AND SAFETY EQUIPMENT

- 2.1 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 is 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.

- 2.2 Vehicles may be left or right hand drive providing that they have proof of full DfT vehicle type approval.
- 2.3 The passenger compartment of the vehicle may be fitted with darkened or blackened glass.
- 2.4 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.
- 2.5 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.
- 2.6 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.
- 2.7 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.

3 USE OF VEHICLE

- 3.1 The vehicle shall not be used for every day Private Hire Vehicle use.
- 3.2 The proprietor of the vehicle shall:-
 - Ensure that the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by Mid Suffolk District Council;
 - Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
 - 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;
 - Cause the interior of the vehicle to be kept wind and watertight;
 - Provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
 - Provide at least two doors for the use of persons conveyed in such private hire vehicle and separate means of ingress and egress for the driver;

- Cause the seats in the passenger compartment to be properly cushioned and covered; and
- Cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering.

3.3 Where occupants in the vehicle are under the age of 16, a responsible adult other than the driver must accompany them.

4 VEHICLE IDENTIFICATION DISCS

4.1 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).

The proprietor shall ensure that:-

- One Private Hire Limousine 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 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 private hire vehicle licence plate complies with 13.4 and 13.5 in Appendix A above;
- 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.

5 SIGNS, NOTICES, ETC

5.1 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.

5.2 No media shall be supplied that, given its age classification or content is unsuitable for the age of passengers in the vehicle.

6 INSURANCE/MOT TEST CERTIFICATE

- 6.1 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.

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.

- 6.2 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.
- 6.3 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 DEPOSIT OF LICENCES

- 7.1 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.
- 7.2 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.
- 7.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

8 VEHICLE TESTING

- 8.1 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.

9 GENERAL CONDITIONS

- 9.1 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.
- 9.2 The Licensee must produce a copy of the SVA (Single Vehicle Approval) certificate at time of licensing.

APPENDIX C

ADDITIONAL CONDITIONS FOR SPECIAL EVENT PRIVATE HIRE VEHICLES (FIRE ENGINES)

Special Event Vehicles (namely Fire Engines only) shall comply with the existing conditions applicable to all licensed private hire vehicles contained within Appendix A of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy, in so far as they are not superseded by these additional conditions and the local private hire vehicle licence fee shall be the same.

1 TYPES OF VEHICLES

- 1.1 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;
 - Declaration of Condition of Use as a Special Event Vehicle.

2 VEHICLE AND SAFETY EQUIPMENT

- 2.1 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.
- 2.2 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.
- 2.3 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.

- 2.4 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.

3 USE OF VEHICLE

3.1 The vehicle shall not be used for every day Private Hire Vehicle use.

3.2 The proprietor of the vehicle shall ensure:-

- That neither driver nor passengers conveyed are permitted to impersonate or give reason to anyone to believe that they are employees of any Fire and Rescue Service;
- That if either driver or passengers conveyed wear any uniform that this should be distinguishable from that worn by any Fire and Rescue Service staff;
- That neither Blue Lights nor Two Tones are permitted to be used.
- Ensure that the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by Mid Suffolk District Council;
- Ensure that not only that the driver of the vehicle holds a current Private Hire Vehicle Driver's Licence issued by Mid Suffolk District Council, in addition to the driver being required to hold a DVLA driving licence authorising him/her to drive a car category B, he/she is also required to hold a category C1 and category C as a full licence holder;
- Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
- 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;
- Cause the interior of the vehicle to be kept wind and watertight;
- Provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
- Cause the seats in the passenger compartment to be properly cushioned and covered; and
- Cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering.

- 3.3 Where occupants in the vehicle are under the age of 16, a responsible adult other than the driver must accompany them.

4 VEHICLE IDENTIFICATION PLATES AND DISCS

- 4.1 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).

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 Appendix A 13.4 and 13.5) 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 can 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.

5 SIGNS, NOTICES, ETC

- 5.1 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.
- 5.2 No media shall be supplied that, given its age classification or content is unsuitable for the age of passengers in the vehicle.
- 5.3 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.
- 5.4 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".

6 INSURANCE/MOT TEST CERTIFICATE

- 6.1 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.

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.

- 6.2 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.
- 6.3 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 DEPOSIT OF LICENCES

- 7.1 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.
- 7.2 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.
- 7.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

8 VEHICLE TESTING

- 8.1 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.

9 GENERAL CONDITIONS

- 9.1 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.

10 TRAILERS

- 10.1 During the currency of the licence a Special Event Private Hire Vehicle is not permitted to tow a trailer.

APPENDIX D

VEHICLE LICENCES: APPLICATION PROCEDURES – (Hackney Carriage and Private Hire Vehicle)

The following processes/procedures are of how to licence a Hackney Carriage or Private Hire Vehicle and vehicle licence renewal.

To licence a vehicle with Mid Suffolk District Council you must first decide whether the vehicle that you are going to drive is to be a Hackney Carriage or Private Hire Vehicle. 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), and is referred to as a vehicle licence. To obtain a vehicle licence the vehicle must comply with the Council's Policy and under go tests and checks so that the Council can determine your application fairly and consistently.

The following checks, testing will apply:

Vehicle testing, Vehicle registration documents, Insurance certificate, MOT certificate, Vehicle Road Tax, Meter Test Certificate and Radio equipment licence.

Vehicle Application Procedures

Please note the Application process is the same for new, renewal, change and transfer of a vehicle.

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 Mid Suffolk District Council are subject to the provisos that the driver must hold an appropriate drivers licence issued by Mid Suffolk District Council.

1. **Applications are to be made on the prescribed application form.**
2. **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** (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;
 - **MOT CERTIFICATE**
 - **VEHICLE TAX DISC**
 - **METER TEST CERTIFICATE**
 - **RADIO EQUIPMENT LICENCE from OFCOM** (For further details contact Ofcom regarding what radio equipment needs to be licensed (as per Appendix A 16.4 above CB transmitters or receivers are not permitted)).
3. 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).
4. In every application, the name and surname and place of abode shall be given of:
- The person applying for a licence; and
 - Every proprietor or part proprietor of such carriage; or
 - Any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such carriage; and
 - Any person who, on applying for a licence, states in such application the name of any person who is not a proprietor or part proprietor of such carriage or who is not concerned as aforesaid in the keeping, employing or letting to hire of such carriage.

Proprietor Requisition Declaration

5. 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.
6. The names that appear on the Proprietorship Requisition Declaration will be entered on to the hackney carriage/private hire vehicle licence and in every such licence shall be specified the name and surname and place of abode of every person who is a proprietor or part proprietor of the hackney carriage/private hire vehicle in respect of which such licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of any such carriage.
7. **Vehicle Testing**
- Vehicles will be required to undertake inspection before a licence is to be granted. Appointments can be arranged for a vehicle to be tested by contacting the Licensing Department.

- Prior to submitting the vehicle for testing owners must ensure that the vehicle is in good condition, i.e. mechanically sound, bodywork in a satisfactory condition and the engine and full chassis steam cleaned.
- Owners of vehicles will be subject to a re-charge fee in respect of vehicles that have to be re-submitted for a second inspection test on the grounds of mechanical/MOT related re-inspections pertaining to the specified requirements for hackney/private hire vehicles.
- When a vehicle is successfully tested it should be licensed with the Council as soon as practical.

Any person who wilfully omits to specify truly in such application as aforesaid the name of any person who is a proprietor or part proprietor of such carriage, or who is concerned as aforesaid in the keeping, employing or letting to hire of such carriage, shall be liable to a penalty.

To renew your licence you will need to make an appointment, which can be done by contacting the Licensing Team. We will endeavour to send a reminder approximately four weeks before your licence is due to expire (You are reminded that this is a courtesy service only, and that it is ultimately your responsibility for ensuring your licence does not expire remains with you the licence holder).

Should you let your licence expire you will need to begin the process again as a New Applicant

In the event of refusal of the licence the specified fee is not refundable.

APPENDIX E

DRIVERS' LICENCES: APPLICATION PROCEDURES – (Hackney Carriage and Private Hire Vehicle)

The following processes/procedures describe(s) how to become a Hackney Carriage or Private Hire Vehicle licensed driver and how to make a licensed driver licence reapplication before licence expiry.

To become a Hackney Carriage or Private Hire Vehicle driver you will need to get a licence from the Council. These licences are issued under an Act of Parliament called the Local Government (Miscellaneous Provisions) Act 1976, and is referred to as a driver's licence. To obtain a driver's licence the Council must determine whether or not you are a "fit and proper person" under the terms of the Act. This involves a series of tests and checks being carried out with various organisations so that the Council can determine your application fairly and consistently.

With effect from 1 June 2011 new applicants that are determined a "fit and proper person" will issued with a 3 yearly driver's licence, existing licensed drivers will be brought into the 3 yearly driver's licence system over a 3 year period.

The following checks, tests and training will apply:

Enhanced disclosure from the CRB, DVLA Check, Medical Examination, Character References, Local Authority Check, Disability and Safeguarding Children and Vulnerable persons Training Courses.

New Drivers Application Procedures

Applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences are not limited and may be made at any time of the year. This is subject to the provisos that the Applicant must have held a full driving licence (which may be a European driving licence) for more than one year.

Applications are to be made on the prescribed application form.

- 1. The Applicant will be required to under take a CRB check and complete the prescribed application form.**

Criminal Records Bureau (CRB) Check:

This involves a search of your individual criminal record to establish whether or not you are safe person to drive members of the public, some of which may be vulnerable, elderly, or infirm. The CRB provides a centralised disclosure service that deals with all checks of criminal records for the Council. Please refer to Appendix G of the policy relating to the relevance of convictions.

- 2. Whilst under taking a CRB check the applicant will also be required to under go a DVLA check.**

Driver and Vehicle Licensing Agency (DVLA) Check:

This check can sometimes be referred to as a 'Swansea' check (the DVLA are based in Swansea). It is designed to give the Council an idea of your individual driving history. This is necessary to determine whether or not you are a safe driver and capable of driving a vehicle in the manner expected of a Hackney Carriage or Private Hire Vehicle driver. It is also used to confirm that an applicant has held a full driving licence for a period of at least twelve months.

3. While processes 1 to 2 are in effect the Council will run a Local Authority check.

Local Authority Check

Whether you have been previously licensed with another local authority or not, or your driver's licence revoked or suspended then you must declare this on the application form. The Council will run a check to get an indication of your licensing history with other authorities.

4. Subject to processes 1 to 3 being in order and no requirement to appear before the Licensing Panel.

To enable drivers to be aware of the diverse needs of the general public, drivers will be required to undertake disability, safeguarding children and vulnerable persons training.

Disability Training and Safeguarding Children and Vulnerable Person Training this will come into Effective from X

In order for drivers to be aware of the diverse needs of the general public, drivers will be required to undertake two training courses. Disability Training will include modules on Disability Awareness, an understanding of the Social Model of Disability and The Disability Discrimination Act 1995 and 2005. Safeguarding Children and Vulnerable Person Training will help drivers in safeguarding and promote the welfare of children effectively. This includes being able to recognise when a child may require safeguarding, and knowing what to do in response to concerns about the welfare of a child (Further information on safeguarding children and vulnerable persons can be found on the either www.safechild.co.uk/SAFE/ or Suffolk's Safeguarding Childrens Board's website www.suffolkscb.org.uk).

5. After all checks and training have been carried out

Once the checks have been carried out the Licensing Team will determine your application and inform you of their decision by telephone or in writing. If you are successful in your application then you will need to make an appointment with the Licensing Team. On your appointment you will need to bring with you the following documentation:

- a) A current full driving licence;
- b) The specified fee of the licence;
- c) A recent colour photograph which has been certified as per process 3;
- d) A medical certificate (See section 5.6)(Group 2);

- e) In every application, the name and surname and place of abode shall be given of:
- The person applying for a licence; and
 - Every proprietor or part proprietor of such hackney carriage; or
 - Any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such hackney carriage; and
 - Any person who, on applying for a licence, states in such application the name of any person who is not a proprietor or part proprietor of such hackney carriage or who is not concerned as aforesaid in the keeping, employing or letting to hire of such hackney carriage.

Any person who wilfully omits to specify truly in such application as aforesaid the name of any person who is a proprietor or part proprietor of such hackney carriage, or who is concerned as aforesaid in the keeping, employing or letting to hire of such hackney carriage, shall be liable to a penalty.

How long will it takes to Become a Hackney Carriage or Private Hire Vehicle Driver

The Licensing Team will always aim to deal with your application, as quickly as it can but because it is reliant on other organisations to provide it with information the process can sometimes take longer than expected. An application will not be accepted, however, until all the relevant paperwork and full fees have been received.

When you become a Hackney Carriage or Private Hire Vehicle Driver

Once you receive your Hackney Carriage or Private Hire Vehicle driver's badge you are licensed to drive either a Hackney Carriage or a Private Hire Vehicle. The vehicles you can drive under your drivers badge must be licensed by Mid Suffolk District Council, although the vehicle that you drive does not necessarily have to be owned by you. It is important that you read and fully understand the content of this Policy, if you are found to be breach of any part of the Policy it may result in your licence being suspended or even in some cases revoked. The driver's licence currently lasts for one year, (however with effect from 1 June 2011 driver's licences will be issued for a three year period) and **we will endeavour to send a reminder approximately four weeks before your licence is due to expire (You are reminded that this is a courtesy service only, and that it is ultimately your responsibility for ensuring your licence does not expire remains with you the licence holder).**

In the event of refusal of the licence the specified fee is not refundable.

Application Procedures for Foreign Nationals/Oversees Applicants

All Applications made by foreign nationals/oversees applicants will need to go through the above process to obtain their licence. To enable the Council to determine whether or not you are a "fit and proper person" under the terms of the above Act. This involves a further series of tests and checks being carried out with various organisations so that the Council can determine your application fairly and consistently.

1. Criminal Records Bureau (CRB) Check:

Applicants will be required to undertake a CRB check as above, in addition to this the Council will require a police check or certificate of good conduct from the relevant embassy.

If you are a foreign national/oversees applicant and have also lived in the UK for a substantial period of time the Council may also ask for additional overseas information.

2. D9 UK Counterpart

In connection with the DVLA check applicants will be required to obtain a D9 UK counterpart to enable the Council to process a DVLA check.

3. Home Office Check (Subject to Home Office guidelines on working within the UK)

A check will need to be made with the Home Office Evidence and Enquiry Unit on your right to work within the UK. The Council will need to check all your papers and passport.

Evidence to Support the right to work in the UK

The Lists of documents below are not exhaustive and will change from time to time. Further information on the right to work within the UK can be found at www.bia.homeoffice.gov.uk

List A

Documents which establish ongoing entitlement to work in the UK

1. A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.
2. A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of the European Economic Area or Switzerland.
3. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, Border and Immigration Agency or UK Border Agency to a national of a European Economic Area country or Switzerland.

4. A permanent residence card issued by the Home Office, Border and Immigration Agency or UK Border Agency to the family member of a national of a European Economic Area country or Switzerland.
5. A Biometric Immigration Document issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.
6. A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.
7. An Immigration Status Document issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, when produced in combination with an official document giving the persons permanent National Insurance Number and their name issued by a Government agency or a previous employer.
8. A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
9. A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
10. A birth certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
11. An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
12. A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
13. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

List B

Documents which indicate restricted entitlement to work in the UK

1. A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.
2. A Biometric Immigration Document issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
3. A work permit or other approval to take employment issued by the Home Office, Border and Immigration Agency or UK Border Agency **when produced in combination with** either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder or the employer or prospective employer confirming the same.
4. A certificate of application issued by the Home Office, Border and Immigration Agency or UK Border Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old **when produced in combination with** evidence of verification by the UK Border Agency Employer Checking Service.
5. A residence card or document issued by the Home Office, Border and Immigration Agency or UK Border Agency to a family member of a national of a European Economic Area country or Switzerland.
6. An Application Registration Card issued by the Home Office, Border and Immigration Agency or UK Border Agency stating that the holder is permitted to take employment, **when produced in combination with** evidence of verification by the UK Border Agency Employer Checking Service.
7. An Immigration Status Document issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
8. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

Those applicants that have successfully completed all the relevant checks and are granted a drivers licence, where your leave to remain in the UK is time-limited, you will only be issued with a licence for the period of entitlement to work within the UK (where the entitlement period is less than the term of the licence either less than the one year licence period pre 1 June 2011 or less than the three year licence period post 1 June 2011 a shorter term licence will be issued).

Drivers Renewal Application Procedures

Applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences are not limited and may be made at any time of the year. This is subject to the provisos that the Applicant must have held a full driving licence (which may be a European driving licence) for more than one year.

To renew your licence you will need to make an appointment, which must be done by contacting the Licensing Team. We will endeavour to send a reminder approximately four weeks before your licence is due to expire (You are reminded that this is a courtesy service only, and that it is ultimately your responsibility for ensuring your licence does not expire remains with you the licence holder).

Should you let your licence expire you will need to begin the process again as a New Applicant, there are no exceptions in this respect.

- 1. The renewal Applicant will be required to under take a CRB check every three years or as required (Section 5.7 above) and complete the prescribed application form.**

Criminal Records Bureau (CRB) Check:

When you are due or required to under go an enhanced CRB check we will write to you, any conviction found on the CRB check, which hasn't been notified, to the Council will result in immediate suspension of the driver's licence and a Disciplinary Hearing will be commenced.

This involves a search of your individual criminal record to establish whether or not you are safe person to drive members of the public, some of which may be vulnerable, elderly, or infirm. The CRB provides a centralised disclosure service that deals with all checks of criminal records for the Council. Please refer to Appendix G of the policy relating to the relevance of convictions.

- 2. Whilst under taking a CRB check the applicant will also be required to under go a DVLA check every three years or as required (Section 5.8 above).**

Driver and Vehicle Licensing Agency (DVLA) Check:

When you are due or required to under go a DVLA check we will write to you, any conviction found on the DVLA check, which hasn't been notified, to the Council will result in immediate suspension of the drivers licence and a Disciplinary Hearing will be commenced.

This check can sometimes be referred to as a 'Swansea' check (the DVLA are based in Swansea). It is designed to give the Council an idea of your individual driving history. This is necessary to determine whether or not you are a safe driver and capable of driving a vehicle in the manner expected of a Hackney Carriage or Private Hire Vehicle driver. It is also used to confirm that an applicant has held a full driving licence for a period of at least twelve months.

3. **To enable drivers to be aware of the diverse needs of the general public, drivers will be required to undertake disability, safeguarding children and vulnerable persons training.**

All current drivers will be made aware of training dates for Disability Training and Safeguarding Children and Vulnerable Person Training this will come into Effective from:

In order for drivers to be aware of the diverse needs of the general public, drivers will be required to undertake two training courses.

Disability Training will include modules on Disability Awareness, an understanding of the Social Model of Disability and The Disability Discrimination Act 1995 and 2005.

Safeguarding Children and Vulnerable Person Training will help drivers in safeguarding and promote the welfare of children effectively. This includes being able to recognise when a child may require safeguarding, and knowing what to do in response to concerns about the welfare of a child (Further information on safeguarding children and vulnerable persons can be found on the either www.safechild.co.uk/SAFE/ or Suffolk's Safeguarding Childrens Board's website www.suffolkscb.org.uk).

4. **At your appointment you will need to bring with you the following documentation:**

- a) The prescribed application form;
- b) A current full driving licence;
- c) A medical certificate (See section 5.6)(Group 2) (**As per renewal letter**);
- d) A recent colour photograph certified as per process 5 in new driver applications;
- e) Previous years licence (Badge and paper counterfoil).

5. **In every application, the name and surname and place of abode shall be given of:**

- The person applying for a licence; and
- Every proprietor or part proprietor of such hackney carriage; or
- Any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such hackney carriage; and
- Any person who, on applying for a licence, states in such application the name of any person who is not a proprietor or part proprietor of such hackney carriage or who is not concerned as aforesaid in the keeping, employing or letting to hire of such hackney carriage.

Any person who wilfully omits to specify truly in such application as aforesaid the name of any person who is a proprietor or part proprietor of such hackney carriage, or who is concerned as aforesaid in the keeping, employing or letting to hire of such hackney carriage, shall be liable to a penalty.

In the event of refusal of the licence the specified fee is not refundable.

APPENDIX F

THE CONSIDERATION OF APPLICATIONS

- 1 Upon receipt of a completed application form, an Officer of the Licensing Team shall consider the application, unless there are details, which are missing from the application form, or the supporting documents are incomplete. Where the application is incomplete, it shall not be considered until all the missing details or documents are supplied.
- 2 If satisfied, from the information available, that the applicant is a fit and proper person to hold a hackney carriage and private hire vehicle licence, the Officer has the delegated power to grant the application.
- 3 Successful applicants will be notified in writing and issued with the appropriate licence. Those who are granted drivers' licences shall be issued with a Drivers' Badge, which shall remain the property of the Council and must be surrendered when the driver ceases employment as a driver.
- 4 Where the Licensing Officer is not satisfied, on the information before him/her, that the applicant should be granted a licence, the matter must be referred to the Licensing Committee or Panel of the Committee. The applicant will be advised of the date, time and venue of the Committee or Panel at which the application will be considered.
- 5 At the Licensing Committee or Panel of the Committee meeting, the Council members present will receive a report from the Licensing Officer, and shall then hear representations from the applicant and may ask any questions of the applicant, before deciding upon whether a licence should be granted. The applicant will be told of the outcome immediately and this will be confirmed in writing within 7 days.
- 6 Unsuccessful applicants will be informed of their right to appeal against the decision to the Magistrates' Court within 21 days of receipt of the formal notice of refusal of the application.

APPENDIX G

RELEVANCE OF CONVICTIONS TO APPLICATIONS

The following guidelines will be used to determine the relevance of criminal convictions in relation to applications for hackney carriage and private hire vehicle driver's licences. In so stating, this Authority has adopted the guidelines set out in the DfT Circular 2/92 and HO Circular 13/92, subject to certain limited modifications.

General Policy

1. Each application will be determined on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for 3 to 5 years, according to the circumstances of the offence, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However the overriding consideration should be the protection of the public.
3. Listed below are some general principles relating to the determination of applications for drivers and operators of hackney carriages and private hire vehicles, which will generally be followed where convictions are admitted.

3.1 Minor Traffic Offences

Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc will not prevent a person from proceeding with an application. Multiple occurrences of similar current offences, however, merit the issue of a warning as to future driving standards. If sufficient penalty points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire vehicle driver's licence may be granted after the restoration of the DVLA driving licence, but only after a period of 12 months has elapsed since the expiry of the disqualification or from the date of any subsequent conviction. A warning will, however, be given about future driving standards.

In circumstances where a driver acquires 12 or more penalty points on his DVLA driving licence but is not disqualified from driving because of the mitigating circumstances put before the Magistrates' Court, the driver's hackney carriage or private hire vehicle licence may still be revoked or suspended. Such a matter will always be dealt with by way of a disciplinary hearing (see Appendix N).

3.2 Major Motoring Offences

An isolated conviction for reckless driving or driving without due care and attention etc will normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last 2 years will normally merit refusal with no further application then being considered until a period of 1 to 3 years free from convictions has elapsed. A single conviction for causing death by careless driving or by dangerous driving will be reported to the Licensing Committee or Panel of the Committee for determination on the merits of the case.

3.3 Applications where Minor Traffic Offences are not Declared

Where an applicant has failed to disclose one or more of the offences mentioned above on their application form but such offences are subsequently uncovered during a DVLA check or by any other means, the Licensing Officer may, if he thinks fit, still issue the licence subject to a warning regarding future conduct. If, however, he considers that there was a premeditated intent to deceive, he will normally refer the matter to the Licensing Committee or Panel of the Committee to be dealt with by way of a disciplinary hearing (see Appendix N).

3.4 Drunkenness

3.4.1 With a motor vehicle

A serious view will be taken of convictions of driving or being in charge of a vehicle whilst under the influence of drink. An isolated incident may not necessarily debar an applicant but strict warnings will be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should have elapsed (after the restoration of the driving licence) before such an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination will be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of 3 years must elapse after treatment is complete before a further licence application is considered.

3.4.2 Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

3.5 Drugs

An applicant with a conviction for a drug related offence is required to show a period of at least 3 years free of convictions before an application is entertained or 5 years after detoxification treatment if he/she was an addict.

3.6 Sexual or Indecency Offences

Hackney Carriage and PHV drivers often carry passengers who are alone or may be vulnerable. Consequently applicants, who have convictions for rape, indecent assault, any sexual offence involving children or other vulnerable victims or any conviction for an offence under the Sexual Offences Act 2003, will, therefore normally be refused a Licence. No application will be considered from a person currently on the Sex Offender's Register. Where an applicant has a conviction for a lesser sexual offence, such as indecent exposure, they will normally be refused a licence until they can show a substantial period, usually at least 5 years, free of any such convictions from the date of conviction or the date of release from custody where a custodial sentence has been imposed. More than one conviction of this kind will raise grave doubts as to the applicant's fitness to hold a licence and will normally require at least a 10 year clear period from conviction before an application is likely to be considered favourably. In all cases, consideration will be given to the circumstances of the offence and any evidence to show that an

applicant is a fit and proper person to hold a licence. When considering applications, the Council may take into account any information of a sexual nature, which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

3.7 Violence

As hackney carriage and PHV drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for offences involving violence. Applicants with a conviction or caution for grievous bodily harm, wounding serious assault, possession of a dangerous weapon or other serious offence will normally be refused a licence. At least 5 years free of such conviction or caution, from either the date of conviction or caution, or from completion of any custodial sentence imposed, whichever is the latter must be shown before an application is entertained and even then careful consideration will be given to circumstances of the offence and a strict warning will be administered. Convictions for minor violence related offences, e.g. threatening, abusive or insulting behaviour will not necessarily prevent a person from proceeding with an application. In deciding whether to grant such an application the authority will consider the nature of the offence, how long ago it was and what age the applicant was when it was committed and any other factors which may be relevant.

3.8 Dishonesty

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. For these reasons a serious view will be taken of any convictions involving dishonesty. In general, a period of 3 to 5 years free of convictions will be required before an application is entertained.

3.9 Persistent Criminality

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.

3.10 Other Offences and special circumstances

If the applicant has declared any other offences not listed above or the circumstances of the case justify it, the Licensing Officer will, if he considers it appropriate, refer the application to the Licensing Committee or Panel of the Committee for determination.

PRINCIPLES OF THE REHABILITATION OF OFFENDERS ACT 1974

1. Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely.
2. The possibility of rehabilitation and the length of time before rehabilitation occurs depends on the sentence imposed, and not the offence committed.
3. Where a person is sentenced to imprisonment for a period exceeding 30 months, the conviction can never become spent.
4. Despite the above, **the principles of the Act do not apply to applicants for hackney carriage and private hire vehicle drivers' licences.** This is because the driving of taxis is listed as a "Regulated Occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
5. Although the Act does not prevent judicial authorities (inclusive of the Licensing Authority) from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a fit and proper person to hold a licence.
6. The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.
7. The rehabilitation periods to which reference is most commonly made are set out below. For a detailed commentary on the periods of rehabilitation applicable to all sentencing options, reference will need to be made to a specialist textbook on the Act.

Sentence	Rehabilitation Period
Sentence of imprisonment or detention exceeding 6 months but not exceeding 30 months	10 years
Sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's Service	10 years
Sentence of imprisonment not exceeding 6 months	7 years
Sentence of dismissal from Her Majesty's Service	7 years
Sentence of detention in respect of a conviction in service disciplinary proceedings	5 years
A fine	5 years
Absolute discharge	6 months
Conditional discharge	1 year or date of expiry of order
Probation Order	5 years

APPENDIX H

THE TESTING OF APPLICANTS FOR DRIVER'S LICENCE

New Driver Tests

1 Introduction

- 1.1 In order to maintain the high standards that the Authority expects of its drivers operating within the District a review may take place of how the suitability of new drivers' knowledge of locations and conditions is assessed.
- 1.2 Complaints are received from time to time by the Authority, from members of the public regarding the driver's ability to find destinations and read A to Z maps.
- 1.3 It is therefore proposed that applicants for a hackney carriage and private hire vehicle driver's licences be required to undergo a written and verbal tests as part of the process of satisfying the Council that they are suitable persons to hold such a licence. The written and verbal test taken before a Drivers Licence is issued will consist of:

Local Geography

Applicants will be tested on their knowledge of the Mid Suffolk District Council area's geography, by recording the shortest routes between locations in the area. (Ten questions on how to get from one destination to another, naming all the roads travelled along.) and finding ten locations in the examiner's A – Z booklet).

Highway Code

Applicants will be asked to answer a number of questions as to driving skills, road information and etiquette as set out in the Highway Code. (Ten questions relating to the Highway Code.)

The Hackney Carriage and Private Hire Vehicle licensing law and Council Rules and Policy

Applicants will be tested on their knowledge and understanding of the law in respect of Hackney Carriage and Private Hire Vehicle Licensing. (Ten questions relating to legislation, conditions etc.)

Basic English Test

Applicants will be tested on their English Language Skills, this will be based on the above three tests with additional questions in a verbal format.

2 Driver – Driving Test

- 2.1 Complaints are received from time to time by the Authority, from members of the public regarding the driver's driving ability and standard of driving.

- 2.2 It is therefore proposed that applicants for a hackney carriage and private hire vehicle driver's licences be required to undergo a driving ability and standards test as part of the process of satisfying the Council that they are suitable persons to hold such a licence.

3 Driver Test Failure

- 3.1 Applicants who fail to achieve a 70% pass rate in any of the written, verbal and driving tests shall be invited to take a different test on another occasion. They shall not be considered to be fit and proper to hold a licence unless or until they have achieved the requisite pass rate in all of the tests.

APPENDIX I

COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE CONDITIONS

Conduct of Driver

1. The holder of a combined hackney carriage and private hire vehicle driver's licence (driver) shall comply with the following conditions, which should be read in conjunction with the Code of Good Conduct set out in Appendix J.
2. The driver shall be respectably dressed and clean and tidy in appearance.
3. The driver shall at all times, when acting in accordance with the driver's licence granted to him, wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times. He shall not lend the badge to any other person or cause or permit any other person to wear it and on termination or surrender of a Driver's licence, he shall return the badge to the Council immediately.
4. 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.
5. The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view or allow the licence plate to be so defaced as to make any figure or information illegible.
6. The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
7. The driver when hired to drive to a particular destination shall proceed to that destination by the shortest route.
8. The driver shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.
9. The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
10. The driver must not solicit, by calling out or otherwise importune, any person to hire or be carried for hire, and must not accept an offer for the hire of the vehicle except where that is first communicated to the driver by telephone.
11. The vehicle shall be presented in a clean and tidy condition for each journey.
12. The Hackney Carriage or Private Hire Vehicle must only be driven with the consent of the proprietor of the vehicle.
13. The driver must comply with any hirer's request not to drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the business.

14. The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.
15. The driver shall not operate the horn as a means of signalling that the vehicle has arrived.
16. The driver must not cause or permit a Private Hire Vehicle to stand on a road or in a public place as to suggest that it is plying for hire, or use any hackney carriage stand within the area of Mid Suffolk District Council.
17. Drivers must not use a mobile phone whilst driving unless it is designed for hands-free operation.
18. All drivers must comply with the law relating to Smoking under the Health Act 2006.

FITNESS OF DRIVER

19. The driver of a Hackney Carriage or Private Hire Vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council by a Registered Medical Practitioner to the effect that he/she is, or continues to be, physically fit to be a driver of a Private Hire vehicle.
20. Whether or not such a Certificate is produced, the driver must, if required by the Council at any time, undergo a medical examination by a Registered Medical Practitioner selected by the Council.
21. The driver is asked to cease driving any Hackney Carriage or Private Hire vehicle and contact the Council immediately if they know of any medical condition, which may affect their driving ability and the health and safety of themselves and any passengers.

FARES AND JOURNEYS

22. The driver/operator of a Private Hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.
23. The driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid.
24. Where the vehicle is a Hackney Carriage, the Vehicle must be fitted with a taximeter, if a Private Hire Vehicle is fitted with a taximeter, then the driver of a Hackney Carriage or Private Hire vehicle shall
 - bring the meter into operation at the commencement of the journey, unless the hirer expresses at the commencement of the journey his desire to engage by time; and
 - bring the machinery of the taxi meter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter before beginning a journey for which a fare is charged for distance and time, and keep the machinery of the taximeter in action until the termination of the hiring;

- when waiting for hire, keep the key, flag or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter;
 - cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1988, and also at any other time at the request of the hirer;
 - not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter;
 - not demand from any hirer of a Hackney Carriage vehicle a fare greater than that authorised by the fares in force within the District;
 - ensure, during the continuance of any hiring, that the dial of the taximeter is not concealed in any manner or by any means and that such dial is distinctly and plainly visible and legible to any person hiring or being conveyed in the vehicle;
 - report immediately to the Council any failure of the taximeter;
 - not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, with the fittings thereof, or the seals affixed thereto;
 - not charge more than the amount which is clearly displayed inside the vehicle for any soiling/fouling to the interior of the vehicle rendering it unfit for further immediate hiring.
25. In the event of a journey commencing in but ending outside the Mid Suffolk District Council area there may be charged, for the journey, such fare or rate if any as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of Hackney Carriages.

DUTIES OF LICENCE HOLDER

26. Any change affecting this licence must be notified within 14 days of such to the Licensing Officer.
27. The Combined Hackney Carriage and Private Hire Vehicle driver's licence must be made available for inspection, on request, by any authorised officer of the Council or any Police Officer.
28. The driver must notify the Council, within seven days of starting or terminating employment, as to the name and address of the proprietor concerned, and the date when the employment either started or ended.
29. The Combined Hackney Carriage and Private Hire Vehicle driver's licence must be presented to the proprietor concerned, at the beginning of an employment.
30. All licences, badges and plates issued remain the property of the Council at all times. They must be returned forthwith when employment as a licensed driver ceases, the Licence expires and is not renewed or where the Licence is suspended or revoked.

31. The driver must notify the Council, within 7 days, of any change of address.
32. The driver must notify the Council, within a period of 7 days, of any conviction or caution for an offence, or of any receipt of a fixed penalty, or has been given on receipt of a notice or order issued by the Police or criminal court, imposed on him/her whilst the licence is in force.
33. All drivers must keep a suitable log or book of all private hire bookings undertaken by them (see Appendix R point 2 for details of record keeping).

LOST PROPERTY

33. A driver of a Hackney Carriage or Private Hire Vehicle shall immediately, after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein, carry it as soon as possible and in any event within 48 hours to the offices of Mid Suffolk District Council or the nearest Police Station and leave it in the custody of an authorised officer on his giving a receipt for it.

ACCIDENT REPORTING

34. A Proprietor or Driver of a Hackney Carriage or Private Hire vehicle shall report to the Council as soon as is reasonably practicable and in any case within 72 hours of the occurrence, any accident to a Hackney Carriage or Private Hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle.

THE CARRIAGE OF ANIMALS

35. A driver must not carry in a Hackney Carriage or Private Hire vehicle any animal, which belongs to, or is being looked after by, themselves, the owner or operator of the vehicle while it is being used as a Hackney Carriage or Private Hire vehicle.
36. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
37. A driver must, however carry assistance dogs when necessary. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment.
38. Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. A certificate of exemption will be supplied on production of suitable and appropriate medical evidence.

WHEELCHAIR ACCESSIBLE VEHICLES

39. All drivers of wheelchair accessible vehicles:
 - Must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle;

- Must, before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied;
- Must ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with regulations, S.100 of the Road Vehicles Construction and Use Regulations 1986;
- Shall, in the event of a passenger who requires to be carried seated in a wheelchair, presenting themselves at a taxi rank or hailing a hackney carriage on the street and the hackney carriage which the passenger has presented themselves to or hailed is not wheelchair accessible either:
 1. divert the passenger to a wheelchair accessible vehicle on the rank if one is available; or
 2. use their phone or radio to contact an operator of a wheelchair accessible hackney carriage to arrange to collect the passenger as soon as possible.

SATELLITE NAVIGATION SYSTEM

40. A driver must where satellite navigation system is fitted in the vehicle use the system on every journey when the vehicle is used for hire.

APPENDIX J

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

In order to promote its licensing objectives as regards hackney carriage and private hire vehicle licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

1 Responsibility to the Trade

Licence holders shall endeavour to promote the image of the Hackney Carriage and Private hire vehicle trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence and the Councils Hackney Carriage and Private Hire Vehicle Licensing Policy;
- (c) behaving in a civil, orderly and responsible manner at all times.

2 Responsibility to Clients

Licence holders shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking pre-booked hiring;
- (d) assist, where necessary, passengers into and out of vehicles;
- (e) offer passengers reasonable assistance with luggage.

3 Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) not sound the vehicle's horn illegally;
- (b) keep the volume of radio/cassette/cd player and VHF/digital radios to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) rank in an orderly manner;

- (b) proceed along the rank in order and promptly;
- (c) pass passengers queueing at a rank to the hackney carriage at the front of the rank;
- (d) remain in the vehicle.

At private hire vehicle offices a licence holder shall:

- (a) not undertake servicing or repairs of vehicles;
- (b) not allow their radio/cassette/cd players or VHF/digital radios to cause disturbance to residents of the neighbourhood;
- (c) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

4 General

Drivers shall:

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers;
- (c) drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all times;
- (e) not smoke at anytime in the vehicle in accordance with Smoking and the Law see page 37 of the Policy;
- (f) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive while having misused legal or illegal drugs; and
- (h) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.

5 Disciplinary Hearings

Drivers should be aware of the powers the Council has to take action, by way of suspension, revocation or refusal to renew a driver's licences where:

- (a) the driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence
- (b) the driver has been convicted of an offence under the legislation or Hackney Carriage and Private Hire Vehicle Licensing Policy relating to taxi regulation

(c) there is a breach of condition or this code

Details of the workings of the disciplinary hearings are set out in Appendix N.

*** PLEASE NOTE:**

**ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S
JUDGEMENT
THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING
FOUND TO HAVE HAD ANY ALCOHOL OR HAVING MISUSED ANY DRUGS
WHILST IN CHARGE OF A LICENSED VEHICLE**

APPENDIX K

DRESS CODE FOR LICENSED DRIVERS

Mid Suffolk District Council is committed to encouraging the professional image of the hackney carriage and private hire vehicle trade, and considers that drivers of licensed vehicles are vocational drivers. The Council considers, therefore, that drivers should conform to a minimum standard of dress, as set out below, in order to raise and maintain the profile of the licensed trade.

The Authority does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times. Failure to comply with the Dress Code will render a licensed driver liable to the issue of penalty points under the scheme set out in Appendix O.

Acceptable Standards of Dress within this code

(1) Tops

- Shirts, blouses, or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses can be worn with a tie or open-necked.

(2) Trousers/Shorts/Skirts

- Trousers may be either full length or shorts.
- Shorts should be tailored.
- It is recommended that female drivers do not wear short skirts for personal safety reasons.

(3) Footwear

- Footwear should fit around the heel of the foot. (Safety shoes with protected toecaps are recommended.)

Unacceptable Standards of Dress within this Code

The following are deemed to be unacceptable:

- Clothing or footwear, which is unclean or damaged
- Clothing printed with words, logos or graphics, which might offend
- Sports shirts e.g. football, rugby or cricket tops or track suits
- Studs or sharp-edged clothing
- Beach-type footwear (e.g. flip-flops or mules)
- Footwear with pronounced heels

- Any clothing likely to obscure the face
- Jeans
- Baseball Caps
- T-Shirts
- Combat trousers
- Trainers

APPENDIX L

TAXI LICENSING AND ENFORCEMENT POLICY & PRACTICE

1 Enforcement Policy Statement

- 1.1 It is the policy of Mid Suffolk District Council to ensure that taxi drivers and operators are licensed correctly and carry out their trade in accordance with both the relevant law and the conditions attached to the licences.
- 1.2 All enforcement action, be it verbal warnings, the issue of written warnings, statutory notices, appearance before the committee or panel or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising out of it. Enforcement action will not, therefore, constitute a punitive response to minor technical contraventions of legislation.
- 1.3 Specific advice on the issue of licences and enforcement action is contained elsewhere in the Council's Hackney Carriage & Private Hire Vehicle Licensing Policy, which sets out the general principles to be followed in taking enforcement decisions.
- 1.4 Authorised officers, when making enforcement decisions, will abide by this policy. Any departure from the policy must be exceptional, capable of justification, be fully considered and be endorsed by the Principal Licensing Officer or above before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).
- 1.5 Authorised officers must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.
- 1.6 Officers will be authorised by the District Monitoring Officer to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to training and experience.

2 Enforcement Options

- 2.1 Achieving and maintaining a consistency of approach to making all decisions that concern taxi licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate.
- 2.2 Licence application and enforcement decisions must always be consistent, balanced, fair and relate to common standards, which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the:-
 - seriousness of any offences;
 - driver or operator's past history;
 - consequence of non-compliance;
 - likely effectiveness of the various enforcement options;

- danger to the public.

2.3 Having considered all relevant information and evidence, the choices for action are:-

2.3.1 Taxi Licence Applications

- grant licences subject to the Council's Standard Conditions
- refuse to grant a licence.

2.3.2 Enforcement Action

- take no action;
- take informal action;
- use statutory notices, (stop notices etc.);
- suspend a licence;
- revoke a licence;
- use simple cautions;
- prosecute.

2.4 This policy document provides detailed guidance applicable to the various options for enforcement action.

3 Informal Action

3.1 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.

3.2 Such informal enforcement action may be appropriate in any of the following circumstances:-

- the act or omission is not serious enough to warrant more formal action;
- from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance;
- confidence in the operator's management is high;
- the consequences of non-compliance will not pose a significant risk to the safety of the public.

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

4 Appearance before the Licensing Committee or Panel of the Committee

- 4.1 An offending individual or company may be summoned before the Licensing Committee or Panel of the Committee to answer allegations of breaches of relevant legislation or conditions attached to licences.
- 4.2 The criteria for bringing applicants for licences before the Committee or Panel of the Committee are contained in Policy Guidelines reproduced as Appendix G.
- 4.3 Current licence holders who report convictions or breach relevant legislation during the period of their licence may be brought before the Licensing Committee or Panel of the Committee. The criteria for such action are also contained in Policy Guidelines adopted by the Authority and reproduced as Appendix G.
- 4.4 The Committee or Panel may decide to take one or more of the following actions:-
- take no action;
 - issue a written warning;
 - require the production of driving licences or other specified documentation at the Licensing Team;
 - suspend a licence;
 - revoke a licence;
 - recommend prosecution action.
- 4.5 The Licensing Committee or Panel of the Committee may also deem it necessary for a licence holder to undertake an appropriate qualification or course, in relation to an offence or breach of a condition as well as the actions in 4.4 above.

5 Section 68 Notices

- 5.1 An authorised officer may serve notice in writing for a Hackney Carriage or Private Hire Vehicle or the taximeter affixed to such vehicle to be examined at the Council's appointed garage at a time specified in the notice. This notice must only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter.
- 5.2 An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied with the condition of the Hackney Carriage or Private Hire Vehicle. This action will only be taken when he has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passenger and/or other road users.

6 Appeals

- 6.1 Appeals against decisions of the Licensing Committee or Panel of the Committee may be made to the Magistrates' Court.
- 6.2 Any notifications of enforcement actions will include written information on how to appeal. This will explain how, where and within what period an appeal may be

brought and on what grounds and will confirm (where appropriate) that the enforcement action is suspended pending the outcome of the appeal.

7 Prosecution

- 7.1 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and/or the public is put at serious risk. Such circumstances are, however, in a minority. It is important that the criteria on which a decision to prosecute are made provide common standards, which ensure a consistent approach.
- 7.2 The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:-
- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law abiding are placed at a disadvantage to those who disregard it;
 - when there appears to have been reckless disregard for the safety of passengers or other road users;
 - where there have been repeated breaches of legal requirements;
 - where a particular type of offence is prevalent;
 - where a particular contravention has caused serious public alarm.
- 7.3 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.
- 7.4 Before referring a matter to the Licensing Committee or Panel of the Committee for possible prosecution, the Corporate Legal Adviser as well as the Council's Principal Licensing Officer must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of conviction; a bare prima facie case is not enough. With insufficient evidence to prosecute, the issue of a simple caution is not an alternative.
- 7.5 In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, there must be a positive decision, based on the relevant criteria that it is in the public's interest to prosecute. The Code for Crown Prosecutors, (January 1992) issued by the Crown Prosecution Service, provides guidance, which will be considered, including relevant public interest criteria.
- 7.6 When a decision is being taken on whether to prosecute, the factors to be considered may include:-
- the seriousness of the alleged offence;
 - the risk or harm to the public;
 - identifiable victims;

- failure to comply with a statutory notice served for a significant breach of legislation;
- disregard of safety for financial reward;
- the previous history of the party concerned;
- offences following a history of similar offences;
- failure to respond positively to past warnings;
- the ability of any important witnesses and their willingness to cooperate;
- the willingness of the party to prevent a recurrence of the problem;
- the probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent. (As indicated above, advice on the public interest is contained in the Code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the less likelihood there will be that the public interest will allow anything other than a prosecution);
- whether other action, such as issuing a simple caution in accordance with the Home Office Circular 18/1994 (As amended) would be more appropriate or effective. See section 8 of this Policy for advice in respect of simple cautions.

7.7 Once a decision that prosecution is the most appropriate course of action has been taken, the matter will be referred, without undue delay, to the Council's Corporate Legal Advisor.

8 Simple Cautions

- 8.1 A simple caution (formerly known as a formal caution) may be used as an alternative to a prosecution in certain circumstances.
- 8.2 Home Office Circular 18/1994 states that the purposes of the simple caution are:-
- to deal quickly and simply with less serious offences;
 - to divert less serious offences away from the Courts;
 - to reduce the chances of repeat offences.
- 8.3 To safeguard the suspected offender's interests, the following conditions should be fulfilled before a caution is administered:-
- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction;
 - the suspected offender must admit the offence;
 - the suspected offender must understand the significance of a simple caution and give informed consent to being cautioned.

- 8.4 If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria are not satisfied for the use of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a caution).
- 8.5 Simple cautions must be used in accordance with the Home Office Circular and may only be issued by the District Monitoring Officer or the Corporate Legal Advisor.
- 8.6 Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action. Whilst this will probably mean prosecution, this is not necessarily inevitable. For example, it may be considered that a written warning would be appropriate.

9 Transparency

- 9.1 Following the receipt of a notification of a conviction or an adverse vehicle inspection, the licence holder will be informed of the action intended to be taken as soon as possible.
- 9.2 Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.
- 9.3 Any written documentation issued or sent will:-
- contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
 - indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen; and
 - clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.
- 9.4 The clear distinction between legal requirements and matters, which are recommended as good practice in all enforcement action, even if only giving verbal advice, is vitally important.

APPENDIX M

POLICY GUIDELINES FOR DEALING WITH OFFENCES COMMITTED DURING THE TERM OF A LICENCE

1. GENERAL POLICY

Each case will be determined on its own merits, however, listed below are some general principles relating to the determination of applications for drivers and operators of hackney carriages and private hire vehicles which are generally to be followed.

The holders of both Hackney Carriage and Private Hire Vehicle driver's licences must immediately report all criminal convictions and driving offences which occur during the currency of their licence to the Licensing Officer. In addition, breaches of the relevant legislation or conditions attached to driver, operator and vehicle licences may come to light following complaints, enforcement action or investigations. The action to be followed in response to such matters will be determined on its own merits, however, set out below are some general principals which may be followed. These actions will be taken irrespective of any penalty points which may be assigned to a driver's record in accordance with the policy detailed at Appendix O.

2. MATTERS NORMALLY TO BE DEALT WITH BY THE PRINCIPAL LICENSING OFFICER UNDER DELEGATED POWERS

The Licensing Officer (on behalf of the District Monitoring Officer) may deal directly with less serious first offences without referring the matter to the Licensing Committee or Panel of the Committee (the Committee or Panel). They may choose to take no action or may issue warnings as to future conduct.

2.1 Convictions for minor traffic offences

In the case of a single conviction no action will normally be warranted. However, if more than one offence is committed, then a warning as to future driving standards will normally be issued.

2.2 Disqualification from driving following the 'Totting Up' procedure or for drink driving

As the driver ceases to have a valid DVLA driving licence, his taxi driver's licence must be revoked. An application for a new licence may be made once the DVLA licence is restored and this will be treated in accordance with the appropriate guidelines for new applications.

2.3 Failure to report a conviction

The failure to report a conviction within a reasonable time will normally be dealt with by issuing a written warning in addition to any further actions that may be warranted by the nature of the offence.

2.4 Failure to report an accident

The failure to report an accident to the Licensing Officer will normally be dealt with, in the first instance, by issuing a written warning.

2.5 Defective Vehicles

If during routine enforcement work or following the investigation of a complaint, a defect is identified on a licensed vehicle that could affect safety such as a worn tyre, the Licensing Officer will issue a stop notice with immediate effect. This will stop the vehicle being used as a taxi or private hire vehicle, as appropriate, until the defect is remedied and the repair certified by the council's appointed garage.

2.6 Refusal to carry a passenger in a hackney carriage

In these circumstances the driver will be invited to state the reasons for his actions and if the Licensing Officer is satisfied that the driver had a justifiable reason, then no action will be taken. If, however, there appears to be no acceptable justification for the refusal, the matter will normally be dealt with by the issue of a written warning. Subsequent offences would, however, result in referral to the Committee or Panel.

2.7 Unauthorised ranking

This will, dependent on circumstances, normally result in the issue of a verbal or written warning. Subsequent contraventions will result in referral to the Committee or Panel.

2.8 Private hire vehicle plying for hire

This will normally result in the issue of a written warning. Subsequent contraventions will result in referral to the Committee or Panel.

2.9 Exceeding the allowed number of passengers

This will normally result in, at least, the issue of a written warning. Subsequent contraventions will result in referral to the Committee or Panel.

2.10 Touting for business

This will normally result in at least the issue of a written warning. Subsequent contraventions will result in referral to the Committee or Panel.

2.11 Illegal advertising on vehicle

This will normally result in the issue of a written warning. Subsequent contraventions will result in referral to the Committee or Panel. The offending advertisement must be immediately removed.

2.12 Failure to display plates or badges

This would normally result in at least a written warning. Subsequent contraventions will result in referral to the Committee or Panel.

2.13 Confirmed complaints of rude or aggressive behaviour

In less serious cases, a warning as to future conduct will be given. However, if the nature or level of aggression leads the Licensing Officer to be concerned about public safety the matter will be brought before the Committee or Panel.

2.14 Complaints against breaches of the driver's dress code

This will, dependent on circumstances, result in the issue of a warning. Persistent contraventions will result in referral to the Committee or Panel.

2.15 Presence in the vehicle of unauthorised telecommunication apparatus

This will normally result in the issue of a written warning. Subsequent contraventions will result in referral to the Committee or Panel.

2.16 Failure to comply with a lawful requirement or instruction from an authorised officer of the council or a police constable.

The holders of licences are legally obliged, under the relevant legislation, to comply with a number of requirements or instructions given to them by an authorised officer of the council or a police constable. These would include, for example, the production of licences, vehicle inspection reports and insurance certificates or the surrender of licences or plates following suspensions or revocations. Where the licensee has failed to produce a document on time but subsequently does so, the Licensing Officer will normally issue a written warning. Where, however, they do not produce the documents, despite reasonable attempts to make them do so, the matter will be referred to the Committee or Panel. Where a driver or proprietor has failed to return a licence or plates following a revocation of a licence, the only sanction open to the licensing officer is to institute a prosecution.

2.17 Obstructing an authorised officer of the Council or a Police Constable in the execution of his duty

If the holder of a licence has, in the officer's opinion, obstructed an authorised officer of the Council or a Police Constable in carrying out their duties under the statutes, it will be considered a very serious matter and will, unless there is good reason not to, result in a prosecution, if the evidence supports it.

2.18 Prosecutions

In circumstances where justified within this enforcement policy, the Licensing Officer (on behalf of the Authority) may request that the Corporate Legal Advisor institute proceedings to prosecute offenders without first referring the matter to the Committee or Panel.

3. MATTERS TO BE DEALT WITH BY THE LICENSING COMMITTEE OR PANEL OF THE COMMITTEE

The Licensing Committee or Panel of the Committee will be asked to deal with the more serious offences and/or to determine the most appropriate action where further offences occur within 2 years of the issue of a warning or other informal action. The Committee or Panel may choose to take any actions open to the Licensing Officer. Whilst it is not possible to cover every conceivable offence, listed

below are those specific matters, which will always be referred to the Committee or Panel. The Licensing Committee or Panel of the Committee may decide to take any of the actions open to them dependent on the facts of each particular case. However also listed below are some general suggestions as to appropriate sanctions to be imposed.

3.1 Conviction of a major traffic offence or insurance offences

The actions taken will be dependent on the facts of the case and the representations made. In principle the Committee or Panel will not seek to punish an offender twice but to take measures to ensure that the licensee is aware of the importance of maintaining a high standard of driving. A warning will generally be an appropriate decision. However, if the offence is particularly serious or the circumstances warrant it, a short suspension of the licence may be imposed.

3.2 Conviction for drunkenness not in a motor vehicle

A single isolated offence may be dealt with by a warning. However, if the circumstances of the case establish that violence has been involved or that the licensee drinks excessively, a suspension of the licence may be considered along with a recommendation that some help be obtained to deal with the problem. If the Committee or Panel is not satisfied with the response of the licensee to this suggestion it may consider revocation of the licence appropriate.

3.3 Conviction for drug related offences and for indecency

The nature of such offences is such that public safety is always going to be of concern. Whilst any decision will be made having regard to the facts of the case, such a conviction may result in the licence being revoked.

3.4 Convictions for violence

The Committee or Panel must carefully consider the facts of the case and decide whether the offender's actions are likely to be repeated or whether the offence was out of character. The aim should not be to punish twice but to ensure that public safety is not compromised.

If, after due consideration it is thought that there is a possibility of further offences being committed, then a revocation of the licence may be justified. On the other hand if the offence was thought to be isolated and out of character a lesser penalty may be imposed.

3.5 Convictions for dishonesty

The penalty imposed for such contraventions must be proportionate to the gravity of the offence. Again the purpose is not to punish an individual twice but to ensure that the licensee is made absolutely clear as to the level of trust expected of licensed drivers and operators. In serious cases a lengthy suspension or revocation may be justified particularly if the offence was connected with his work. If the offence was less serious or isolated a lesser penalty including a shorter suspension or even a warning may be sufficient to make a driver realise the importance of honesty in his chosen profession.

3.6 Overcharging a passenger

It is relatively easy for a driver to defraud the public because of the nature and complexity of the tariff system. Overcharging should, therefore, be considered a serious breach of trust, which should be dealt with by imposing a significant penalty. A suspension or even revocation of a licence may, therefore, be justified.

3.7 Persistent failure to comply with a lawful requirement or instruction from an authorised officer of the Council or a police constable

In circumstances where an offender has failed to comply with a lawful requirement of an officer, despite all reasonable attempts to make him do so, the Committee or Panel will decide what action to take having regard to any excuses made for such failure. This may involve either a suspension or revocation of a licence.

3.8 Other contraventions

Any offence which, in the opinion of the Licensing Officer is best dealt with by the Committee or Panel, may be brought before them. Such cases, which may include those where requirements have been persistently breached and where warnings have not been heeded, will be decided in the light of the facts of the case and the representations made. Any penalty imposed must be proportionate to the seriousness of the offence and the overriding requirement to ensure public safety.

APPENDIX N

DISCIPLINARY HEARINGS

1 Introduction

In addition to the meetings pre-arranged in the Annual Calendar of meetings, additional meetings of the Licensing Committee or Panel of the Committee will be convened, as and when necessary, to consider appropriate disciplinary measures involving proprietors, operators and drivers, whenever they have been convicted of offences before the Courts, or where action has been taken as a result of breaches of the law or conditions imposed under the relevant licence. The purpose of such meetings shall be for the Committee or Panel to consider which, if any, of the options available should be implemented.

2 The Options Available

The Licensing Committee or Panel of the Committee, after the details of the referral have been outlined, and the licence holder has been given the opportunity to address the hearing, as well as ordering penalty points (see below) may order one of the following:

- The suspension of the licence;
- The revocation of the licence;
- A refusal to renew a licence;
- The imposition of further conditions;
- No further action to be taken.

The Committee or Panel may also recommend the cautioning or prosecution of licence holders, in circumstances where there are persistent or serious breaches of conditions, which have not been dealt with otherwise.

3 Penalty Points System

Subject to the general discretion of the Licensing Committee or Panel of the Committee to take whatever action it deems appropriate, the 'penalty points system' detailed at Appendix O shall be operated and used as a framework for the Committee's or Panel's decision-making. The fundamental principle of the system is that, if a licence holder accumulates 12 or more penalty points in any two year period, his or her licence shall be revoked on the basis that he or she has ceased to be a fit and proper person to hold such a licence.

4 Penalty Points Applicable

The offences that will ordinarily give rise to the Licensing Committee or Panel of the Committee attaching penalty points to a licence holder's record are listed at Appendix O. The list is not exhaustive and offences not on the list may nonetheless give rise to the consideration of penalty points if sufficiently relevant and serious. Where a range of points is indicated, the Committee or Panel shall decide on the number merited by the offence, taking account of the circumstances of the offence and the sentence imposed by the court.

5 Hearing Procedures/Process

Hearings will be conducted under a Quasi Judicial process and will follow the procedures/process listed at Appendix (W).

APPENDIX O

PENALTY POINTS SYSTEM

The Penalty Points Scheme will operate as follows:-

1. The Council's Enforcement Policy will be fully considered by the reporting Officer when determining the manner in which any offence or breach of licence conditions is dealt with. Where it is decided that the use of the penalty points system is appropriate, the points will be recommended on a scale of 1 to 3 dependent upon the type of offence or breach of licence conditions by the Licensing Officer. Prior to the issue of penalty points to a licensee, the contravention(s) will be reviewed by the Principal Licensing Officer so as to ensure that the appropriate action is being taken and then, if approved, the points will be issued by the Corporate Legal Advisor.
2. Before penalty points are issued, there must be sufficient evidence to support a prosecution or breach of licence conditions. The licence holder must admit the offence or breach of conditions and also agree to the imposition of the points before penalty points can be issued. If he/she refuses to do so, or disputes the offence or breach of conditions, the matter will be resolved by reverting to normal practice and procedures.
3. A maximum of twelve penalty points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose penalty points, a licence holder has committed more than one offence or breach of licence conditions, no more than 12 points will be imposed.
4. Points issued to either a proprietor or driver will be confirmed in writing within 10 working days from the discovery of the contravention.
5. When issued, the penalty points will remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling 24 months period will be taken into account. If a driver, proprietor or operator accumulates twelve or more points within a period of two years from the date they are imposed, he/she will be brought before the Council's Licensing Committee or a Panel of that Committee for the appropriate sanction to be taken.
6. Where a driver is brought before the Committee or Panel, the options available to the Committee will be to suspend or revoke the driver's licence, where Members are satisfied that the driver had failed to comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847 or have a reasonable cause for believing so. The admission by the driver of the offences or breaches of licence conditions supports this course of action. If the members of the Committee or Panel do not feel that the matter warrants revocation or suspension of the licence, they may extend the period for which the points are to remain "live" or to issue a warning to the driver.

7. Periods of suspension of a licence will be dependant on the nature of the breaches of the legislation and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days. More than one accumulation of penalty points in excess of a personal threshold in any three-year period will result in the Committee or Panel reviewing whether the individual is suitable to continue holding licences with the Authority.
8. Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. However, if the period is extended or a warning given, the points will remain "live" for the normal two-year period.
9. A driver will retain the right to be represented at any meeting of the Council's Licensing Committee or Panel of the Committee either legally or otherwise and to put forward such evidence as he/she deems necessary.
10. Even though penalty points have been issued, if it is found that the driver has been issued with penalty points or has been formally cautioned for similar offences the Council retains the right to cancel the penalty points and deal with the matter in accordance with the Enforcement Policy.
11. Any person aggrieved by the issue of Penalty Points may appeal, within 14 days of the issue of the Penalty Points Notice, to the Council's Licensing Committee.
12. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation and regulations.

LIST OF OFFENCES / BREACH OF LICENCE CONDITIONS / ETC.

HACKNEY CARRIAGES		
Town Police Clauses Act 1847		
Section	Offence	Points
40	Giving false information on application for HC proprietor's licence.	5-10
44	Failure to notify change of address of HC proprietor.	2
45	Plying for hire without HC proprietor's licence.	8-12
47	Driving a HC without HC driver's licence.	8-12
47	Lending or parting with HC driver's licence.	4
47	HC proprietor employing unlicensed driver.	8
48	Failure by HC proprietor to hold HC driver's licence.	6
48	Failure by HC proprietor to produce HC driver's licence.	3
52	Failure to display HC plate.	4
53	Refusal to take a fare without reasonable excuse	4
54	Charging more than the agreed fare.	6
55	Obtaining more than the legal fare. (Failure to refund)	6
56	Travelling less than the lawful distance for an agreed fare.	6
57	Failure to wait after a deposit to wait has been paid.	6
58	Charging more than the legal fare.	6
59	Carrying other person than the hirer without consent of hirer	4
60	Driving HC without proprietor's consent.	4
60	Allowing another to drive HC without proprietor's consent.	4
62	Driver leaving HC unattended.	2
64	HC driver obstructing other HC's.	3
Local Government (Miscellaneous Provision) Act 1976		
Section	Offence	Points
49	Failure to notify the transfer of a HC proprietor's licence.	3
50 (1)	Failure to present a HC for inspection, as required.	3
50 (2)	Failure to inform the Authority where the HC is stored.	3
50 (3)	Failure to report an accident to the Authority within 72hours.	3
50 (4)	Failure to produce the HC proprietor's licence and insurance cert	3
53 (3)	Failure to produce HC driver's licence.	2
57	Making a false statement or withholding information to obtain a HC driver's licence.	10
58 (2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	6
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting any vehicle other than a HC to wait on a HC stand.	6
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	6
67	Charging more than the meter fare when HC used as PH vehicle.	6
69	Unnecessarily prolonging a journey.	6
71	Interfering with a taximeter with intent to mislead.	12
73(1)(a)	Obstruction of an authorised Officer or Constable.	12
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	8

73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	6
Disability Discrimination Act 1995		
Section	Offence	Points
37	Refusal to carry a guide, hearing or other assistance dog in a taxi.	4
PRIVATE HIRE		
Local Government (Miscellaneous Provision) Act 1976		
Section	Offence	Points
46(1)(a)	Using an unlicensed PH vehicle.	12
46(1)(b)	Driving a PH vehicle without a PHV driver's licence.	12
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	8
46(1)(d)	Operating a PH vehicle without a PHV operator's licence.	8
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PHV driver.	8
48 (6)	Failure to display a PH vehicle plate.	4
49	Failure to notify transfer of a PH vehicle licence.	3
50 (1)	Failure to present PH vehicle for an inspection, as required.	3
50 (2)	Failure to inform the Authority where the PH vehicle is stored, if requested.	3
50 (3)	Failure to report an accident to the Authority.	3
50 (4)	Failure to produce a PH vehicle licence and an insurance certificate.	6
53 (3)	Failure to produce a PHV driver's licence.	3
54 (2)	Failure to wear a PHV driver's badge.	3
57	Making false statement or withholding information to obtain a PHV driver or operator's licence.	10
58 (2)	Failure to return plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	6
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting PH vehicle to wait on a Hackney stand	3
67	Charging more than the meter fare	6
69	Unnecessarily prolonging a journey.	6
71	Interfering with a taximeter.	10
73(1)(a)	Obstruction of an authorised Officer or Constable.	12
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	8
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	6
Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002		
Section	Offence	Points
37A	Refusal to accept a booking to carry a guide, hearing or other assistance dog in a private hire vehicle.	4

Private Hire Vehicle Driver's Licence Conditions		
Section	Offence	Points
2	Not being respectably dressed and clean & tidy in appearance	2
3	Failure to wear a badge.	3
4	Failure to behave in a civil, polite and orderly manner.	3
4	Failure to ensure the safety of passengers.	4
5	Concealing or defacing a licence plate.	4
6	Failure to attend on time for pre-arranged booking without sufficient cause.	2
7	Failure to proceed to destination by the shortest available route.	4
8	Conveying a greater number of passengers than permitted.	6
9	Failure to give assistance with passenger's luggage.	3
10	Soliciting to hire or accepting hire not pre-booked.	4
11	Operating a vehicle that is not clean and tidy	2
12	Driving without the consent of the proprietor.	5
13	Drinking or eating in the vehicle without permission of passenger.	
14	Cause excessive noise from any radio or sound-reproducing instrument, which annoys anyone in or outside the vehicle.	2
15	Operating the horn as a means of signalling that the vehicle has arrived.	3
16	Allowing the PH vehicle to stand in such a position as to suggest that it is plying for hire, or using a hackney carriage stand.	2
17	Using a non-hands free mobile phone whilst driving	3
18 - 20	Failure to provide medical certificate or not notifying a medical condition	3
22	Failure to provide a receipt when requested.	2
23	Failure to operate the meter from commencement of the journey and charging more than the fixed charge for hire of Hackney Carriages.	5
24	Tampering with a taximeter	10 - 12
25	Failing to notify changes within 14 days.	3
26	Failure to produce a copy of the licence.	2
27	Failure to notify within 7 days of starting or terminating employment, the name and address of the proprietor and the date when the employment either started or ended.	2
28	Failure to show the private hire driver's licence to the proprietor at the beginning of an employment.	2
29	Failure to surrender a driver's licence, badge or plate on cessation of employment.	3
30	Failing to notify of change of address within 7 days.	3
31	Failing to disclose convictions within 7 days.	12
32	Failure to search vehicle after journey or failure to take found property to the Council Offices within 48 hours of finding.	2
33	Failure to report an accident within 72 hours	3
34	Carrying an animal other than one with passenger.	2
35	Carrying an animal not safely restrained.	3
36	Failure to carry assistance dog without exemption certificate.	5
37	Failure to comply with wheelchair carriage requirements.	5
40	Failure to comply with satellite navigation requirements.	5 - 10

Vehicle Specifications & Conditions of Licence		
Section	Offence	Points
	Operating a vehicle which does not comply with the Council's Vehicle Specification where such offence is not otherwise specified below	2 - 6
1.9	Operating a vehicle which is not maintained in a sound and roadworthy condition.	5
7	Failure to carry an appropriate fire extinguisher	3
8	Failure to carry an appropriate first aid kit	3
11	Operating a vehicle which is not maintained in a clean and safe condition inside and out.	3
12	Modifying a vehicle without the consent of the Council	2
13	Failure to display or maintain external licence plates which indicate the maximum number of passengers who may be conveyed.	5
13	Failure to display inside the vehicle the windscreen licence disc in the correct position	3
14	Hackney carriage vehicle signage not in accordance with council requirements.	4
14.2	Fail to display PHV Signs on the 2 front doors of a PH vehicle	4
14.2	Affixing or displaying on a private hire vehicle any roof sign.	4
14.2	Displaying on a private hire vehicle any sign or notice which consists of or includes the word TAXI or CAB or FOR HIRE	4
15	Displaying a sign or advertisement that does not comply with Council requirements or is not authorised by the Council.	3
16	Radio equipment not in accordance with council requirements	2
17	Taximeter which does not comply the Councils Vehicle Specification.	5
17	Tampering with a taximeter	10 - 12
17	Failure to report a fault with a taximeter	7
17	Failure to clearly display the Councils fare chart to passengers	8 - 10
18	Trailer which does not comply the Councils Vehicle Specification	3
19	Operating a vehicle which does not comply with the Councils requirements in respect of disability provision	4
20	Operating a vehicle which does not comply the Councils Vehicle Specification in respect of LPG	3
21	Operating a vehicle which does not comply the Councils Vehicle Specification in respect of window tint.	2
22	No insurance or inappropriate insurance for the vehicle.	12
23	Failing to notify change or transfer within 14 days.	3
24	Failing to make the vehicle licence available for inspection.	3
25	Allowing a vehicle to be used for hire by a person who does not hold a current private hire vehicle or hackney carriage driver's licence	8
26	Failure to properly report an accident to the Authority.	3
27	Failure to affix a satellite navigation system within a hackney carriage	5
27	Failure to keep satellite navigation system up to date with the most current mapping	5
27	Failure of a proprietor of a vehicle not to require a driver of the vehicle to use the satellite navigation system on all journeys	5
28	Permitting the vehicle to be used for any illegal or immoral purposes.	6

PRIVATE HIRE OPERATORS

Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Points
56 (2)	Failing to keep proper records of all bookings or failing to produce them. (also breach of conditions see below)	6
56 (3)	Failure to keep records of PH vehicles or failing to produce them. (also breach of conditions see below)	6
56 (4)	Failing to produce PHV Operator' licence on request. (also breach of conditions see below)	4
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PHV driver.	12
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	5
Breach of Conditions attached to Operator's Licence		
1	Failure to provide a prompt, efficient and reliable service at all reasonable times.	3
1	Failure to ensure that office staff employed by operator act in a civil and orderly manner at all times.	3
1	Failure to ensure that a vehicle attends punctually at the appointed time and place unless prevented by some sufficient cause.	4
1	Failure to keep the premises clean, adequately heated, ventilated, lit, and in accordance with the requirements of licence conditions.	3
2	Failure to properly keep or produce records of private hire bookings, vehicles, drivers or other documents required to be kept or produced. (see LGMP s56(2) & (3) above)	6
3	Failure to act properly upon the receipt of a complaint or to notify immediately the Licensing Officer.	4
4	Failure to notify the Council of any changes, including change of address from where the business operates within 14 days.	3
5	Failure to disclose in writing within 7 days details of any conviction or police caution imposed on him to the licensing section.	12
6	Failure to ensure that an appropriate certificate of motor insurance covers every vehicle operated by him under the licence.	6
6	Failure to obtain appropriate public liability insurance for the premises or to produce the same.	4
7	Failure to ensure that every driver has a private hire licence and badge.	4
8	Failure to keep a copy of the conditions at the premises or to make the same available for inspection by passengers.	4
9	Failure to make the Operator's licence available for inspection. (see LGMP s56(4) above)	4

APPENDIX P

OFFENCES & PENALTIES - HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

Introduction

Two statutes principally create offences relating to Hackney Carriages and Private Hire Vehicles:

- Town Police Clauses Act 1847;
- Local Government (Miscellaneous Provisions) Act 1976.

The offences are set out below under the relevant statute. In relation to the maximum penalties specified, the levels of fine are currently as follows:

- Level 1 - £200;
- Level 2 - £500;
- Level 3 - £1,000;
- Level 4 - £2,500.

a) Town Police Clauses Act 1847

HACKNEYS		
Section	Offence	Maximum Penalty
40	Giving false information on application for HC licence.	Level 1
44	Failure to notify change of address of HC proprietor.	Level 1
45	Plying for hire without HC proprietor's licence.	Level 4
47	Driving a HC without HC driver's licence.	Level 3
47	Lending or parting with HC driver's licence.	Level 3
47	HC proprietor employing unlicensed driver.	Level 3
48	Failure by HC proprietor to hold HC driver's licence.	Level 1
48	Failure by HC proprietor to produce HC driver's licence.	Level 1
52	Failure to display HC plate.	Level 1
53	Refusal to take a fare.	Level 2
54	Charging more than the agreed fare.	Level 1
55	Obtaining more than the legal fare.	Level 3 and 1 month's imprisonment
56	Travelling less than the lawful distance for an agreed fare.	Level 1
57	Failing to wait after a deposit to wait has been paid.	Level 1
58	Charging more than the legal fare.	Level 3
59	Carrying other person than the hirer without consent.	Level 1
60	Driving HC without proprietor's consent.	Level 1
60	Allowing another to drive HC without proprietor's consent.	Level 1

61	Drunken driving of HC	Level 1
61	Wanton or furious driving leading to injury or danger.	Level 1
62	Driver leaving HC unattended.	Level 1
64	HC driver obstructing other HC's.	Level 1

b) Local Government (Miscellaneous Provision) Act 1976

Section	Offence	Maximum Penalty
49	Failure to notify the transfer of a HC proprietor's licence.	Level 3 (by virtue of s76)
50 (1)	Failure to present a HC for inspection, as required.	Level 3 (by virtue of s76)
50 (2)	Failure to inform the Authority where the HC is stored, if requested.	Level 3 (by virtue of s76)
50 (3)	Failure to report an accident to the Authority.	Level 3 (by virtue of s76)
50(4)	Failure to produce the HC proprietor's licence and insurance certificate.	Level 3 (by virtue of s76)
53 (3)	Failure to produce the HC driver's licence.	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a HC driver's licence.	Level 3 (by virtue of s76)
58 (2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	Level 3 + fine of £10/day
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
64	Permitting any vehicle other than a HC to wait on a HC stand.	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle.	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	Level 3 (by virtue of s76)
46(1)(a)	Using an unlicensed PH vehicle.	Level 3 (by virtue of s76)
46(1)(b)	Driving a PH vehicle without a PH driver's licence.	Level 3 (by virtue of s76)
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	Level 3 (by virtue of s76)

46(1)(d)	Operating a PH vehicle without a PH operator's licence.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	Level (by virtue of s76)
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	Level 3 (by virtue of s76)
48 (6)	Failure to display a PH vehicle plate.	Level 3 (by virtue of s76)
49	Failure to notify transfer of a PH vehicle licence.	Level 3

PRIVATE HIRE

Section	Offence	Maximum Penalty
50 (1)	Failure to present a PHV for inspection, as required.	Level 3 (by virtue of s76)
50 (2)	Failure to inform the Authority where the PHV is stored, if requested.	Level 3 (by virtue of s76)
50 (3)	Failure to report an accident to the Authority.	Level 3 (by virtue of s76)
50(4)	Failure to produce the PH vehicle licence and insurance certificate.	Level 3 (by virtue of s76)
53 (3)	Failure to produce the PHV driver's licence.	Level 3 (by virtue of s76)
54 (2)	Failure to wear a PHV driver's badge.	Level 3 (by virtue of s76)
56 (2)	Failure by a PHV operator to keep records of bookings.	Level 3 (by virtue of s76)
56 (3)	Failure by a PHV operator to keep records of PH vehicles operated by him.	Level 3 (by virtue of s76)
56 (4)	Failure to produce a PHV operator's licence on request.	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a PHV driver's licence or operator's licence.	Level 3 (by virtue of s76)
58 (2)	Failure to return a plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	Level 3 + fine of £10/day
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when a HC used as PH vehicle.	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	Level 3 (by virtue of s76)

c) Transport Act 1980

Section	Offence	Maximum Penalty
64(2)(a)	Driving a PH vehicle with a roof sign, which contravenes s64 (1).	Level 3
64(2)(b)	Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s64 (1).	Level 3

APPENDIX Q

PRIVATE HIRE VEHICLE OPERATORS LICENCE: APPLICATION PROCEDURES

The Authority will not grant a PHV operator's licence for an operator with an operating base that is outside the Mid Suffolk District Council 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.

The following processes/procedures are of how to licence a Private Hire Vehicle Operator and Operators licence renewal.

To become a Private Hire Operator within the District of Mid Suffolk you will need to get a licence from the Council. The licence is issued under an Act of Parliament called the Local Government (Miscellaneous Provisions) Act 1976, and is referred to as an operators licence.

To obtain a licence the Council have to determine whether or not you are a 'fit and proper person' and whether the location you intend to use as the base is suitable. This involves a series of checks being carried out with various organisations so that the Council can determine your application fairly and consistently.

To assist this decision you will also have to supply two character references. A reference should be provided on the headed paper of the person giving the reference and be in a sealed envelope. One reference must be from your most recent or current employer and the other must be from a Member of Parliament, Justice of the Peace, Minister of Religion, a professionally qualified person - for example, doctor, lawyer, engineer, local councillor, bank officer, established civil servant, police officer or a person of similar standing who has known you for at least two years and who is a Commonwealth citizen.

New Private Hire Vehicle Operators Application Procedures

Applications for Private Hire Vehicle Operators Licences are not limited and may be made at any time of the year.

- 1. The Applicant will be required to under take a CRB check (for non driver Operators a basic check will be required see Section 10 above) and complete the prescribed application form.**

Criminal Records Bureau (CRB) Check:

This involves a search of your individual criminal record to establish whether or not you are safe person to drive members of the public, some of which may be vulnerable, elderly, or infirm. The CRB provides a centralised disclosure service that deals with all checks of criminal records for the Council. Please refer to Appendix G of the policy relating to the relevance of convictions.

2. After all checks have been carried out

Once the checks have been carried out the Licensing Team will determine your application and inform you of their decision by telephone or in writing. If you are successful in your application then you will need to make an appointment with the Licensing Team. At your appointment a Licensing Officer will go over Appendix R and your responsibilities as an Operator, you will also need to bring with you the following documentation:

- In every application, the name and surname and place of abode shall be given of:
 - The person applying for a licence; and
 - Every proprietor or part proprietor of such vehicle;
- Written confirmation that the Operation will be solely as one Operation. **(Only one Operating name is allowed).**
- VAT registration number, or letter from your accountant or HM Revenue and Customs, confirming your exemption.
- A copy of planning permission obtained for the use of the premises as a Private Hire Vehicle Operation.
- Certificate from Ofcom for Radio System, and details of frequencies used.
- 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.
- A list of all drivers and vehicles operated by you (see prescribed application form).
- Applications are to be made on the 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 if applicable.
- A letter confirming Ownership, Partnership if applicable.
- Operators' Public Liability Insurance.
- A copy of the Operations Smoke-Free Policy

Any person who wilfully omits to specify truly in such application as aforesaid the name of any person who is a proprietor or part proprietor of such carriage, or who is concerned as

aforesaid in the keeping, employing or letting to hire of such carriage, shall be liable to a penalty.

To renew your licence you will need to make an appointment, which can be done by contacting the Licensing Team. We will endeavour to send a reminder approximately four weeks before your licence is due to expire (You are reminded that this is a courtesy service only, and that it is ultimately your responsibility for ensuring your licence does not expire remains with you the licence holder).

In the event of refusal of the licence the specified fee is not refundable.

Private Hire Vehicle Operators Renewal Application Procedures

Applications for Private Hire Vehicle Operators Licences are not limited and may be made at any time of the year.

To renew your licence you will need to make an appointment, which can be done by contacting the Licensing Team. We will endeavour to send a reminder approximately four weeks before your licence is due to expire (You are reminded that this is a courtesy service only, and that it is ultimately your responsibility for ensuring your licence does not expire remains with you the licence holder).

Should you let your licence expire you will need to begin the process again as a New Applicant

- 1. The renewal Applicant will be required to under take a CRB check every three years or as required (Section 10 above) and complete the prescribed application form.**

Criminal Records Bureau (CRB) Check:

When you are due or required to under go a CRB check we will write to you. This will be required before any renewal of your licence is entertained; any conviction found on the CRB check, which hasn't been notified, to the Council will result in a Disciplinary Hearing.

This involves a search of your individual criminal record to establish whether or not you are safe person to drive members of the public, some of which may be vulnerable, elderly, or infirm. The CRB provides a centralised disclosure service that deals with all checks of criminal records for the Council. Please refer to Appendix F of the policy relating to the relevance of convictions.

- 2. At your appointment you will need to bring with you the following documentation:**
 - In every application, the name and surname and place of abode shall be given of:

- The person applying for a licence; and
- Every proprietor or part proprietor of such vehicle;
- Written confirmation that the Operation will be solely as one Operation. **(Only one Operating name is allowed).**
- VAT registration number, or letter from your accountant or HM Revenue and Customs, confirming your exemption.
- Certificate from Ofcom for Radio System, and details of frequencies used.
- 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.
- A list of all drivers and vehicles operated by you (see prescribed application form).
- Applications are to be made on the 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 if applicable.
- A letter confirming Ownership, Partnership if applicable.
- Operators' Public Liability Insurance.
- A copy of the Operators code of conduct for their drivers
- At renewal the Operator will be required to bring log book records of all journeys undertaken by vehicles in his operation, during the previous 12 months.
- A copy of the Companies Smoke-Free Policy

Please note at your appointment a Licensing Officer will go over Appendix Q and your responsibilities as an Operator.

In the event of refusal of the licence the specified fee is not refundable.

APPENDIX R

PRIVATE HIRE VEHICLE OPERATOR'S LICENCE CONDITIONS

1 STANDARDS OF SERVICE

The operator shall:

- 1.1 Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- 1.2 Ensure that office staff, employed by operator, act in a civil and orderly manner at all times.
- 1.3 Ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.
- 1.4 Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated.
- 1.5 Ensure that any waiting area provided has adequate seating facilities and telephone facilities are in good working order.
- 1.6 Fulfil his responsibilities to ensure compliance with legislation regarding the length of working hours.

2 RECORDS

The records which must be kept by PHV operators under the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively.

2.1 Bookings

2.1.1 Prior to each journey, the operator shall enter the following particulars of every booking of a private hire vehicle accepted, pursuant to section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976, containing the following particulars, namely:-

- the date of the booking
- the name and address of the hirer
- the time of pick-up
- the address of the point of pick-up
- the destination
- the time at which a driver was allocated to the booking
- the plate number (or other identification) of the vehicle allocated

2.2 Vehicles

2.2.2 The operator shall keep records of the particulars of all private hire vehicles operated by him/her, pursuant to section 56 (3) of the 1976 Act such details to include the following particulars, namely:-

- Type, Make, Model, Colour and Engine Size of Vehicles
- The year when the vehicle was first licensed for private hire
- Vehicle Registration Numbers
- The number of seats for passengers
- Owners
- Insurance details of vehicles
- Whether a meter is fitted
- Private Hire Vehicle Plate Numbers

2.3 Drivers

2.3.1 The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him/her, 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 his/her duties, details of that information
- Expiry dates of driver's badges and vehicle licences

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.

3 COMPLAINTS

The PHV operator shall immediately, upon receipt, notify the Licensing Officer in writing of any complaints concerning a contract for hire arising from his/her business, such notification to include the action taken or proposed as a result of the complaint.

4 CHANGE OF ADDRESS, DRIVERS AND VEHICLES ETC

The operator shall notify the Council in writing of any change affecting this licence including change of drivers, vehicles (This is a requirement of Appendix Q and is to be kept up to date with the Council at all times) and address (including any address from which he operates or otherwise conducts his business), which takes place during the currency of the licence. Such notice shall be given within 14 days of the change to the Licensing Officer.

5 DISCLOSURE OF CONVICTIONS

The operator shall, within 7 days of conviction, notify the Licensing Officer in writing of any conviction or fixed penalty imposed on him during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receive a conviction or fixed penalty.

6 INSURANCE

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

If the Operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force, which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

7 PRIVATE HIRE VEHICLE DRIVER'S LICENCES

The operator shall satisfy himself that every driver engaged by him has acquired a private hire driver's licence and has a badge issued by the Licensing Office.

8 DISPLAY OF TERMS AND CONDITIONS

The operator shall, at all times, keep a copy of these conditions at any premises used by him/her for a private hire business and shall make the same available for inspection by fare-paying passengers.

9 INSPECTION OF LICENCE

The Operators Licence shall be made available for inspection on request by any authorised officer of the Council or any Police Officer.

10 CODE OF CONDUCT

The operator shall have in place a code of conduct policy for his/her 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 DRESS CODE

The operator shall have in place a dress code policy for his/her drivers, which **must** be regularly reviewed and be in addition to the minimum standard contained within Appendix J, which shall be made available to any authorised officer of the Council or any Police Officer.

12 CARRIAGE OF PASSENGERS ACCOMPANIED BY GUIDE OR HEARING DOG, THOSE WITH DISABILITIES AND SAFEGUARDING CHILDREN AND VULNERABLE PERSONS

The operator shall have in place a company policy relating to the carriage of passengers accompanied by guide or hearing dogs and those with Disabilities and Safeguarding children and vulnerable persons, for his/her 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.

13 SMOKING POLICY

The operator shall with regard to the above section on Smoking and the Law on page 42. Operators **must** provide training to staff and drivers in the law and what their responsibilities are; remove all ashtrays from smoke free premises; and introduce a smoke free policy which **must** be kept up to date, a copy shall be available to fare-paying passengers, any authorised officer of the Council or any Police Officer. An up-to-date copy **must** be filed with the Licensing Team.

14 ADVERTISING, SIGNAGE AND THE INTERNET

The operator shall disclose to the Council any website used to advertise the operation. The display of words must not include the words “taxi”, “cab”, “hackney carriage” or “hire” as the use of these is not permitted. No alternative words or spellings, such as “Kab”, which would have the effect of leading the public to believe that the vehicles are a hackney carriage available for hire, may be used on the vehicle. The Council’s decision as to the interpretation of this shall be final.

NOTE: PLANNING CONSENT

To operate a private hire vehicle business from home, planning permission, for such business use, will normally be required. A Private Hire Vehicle Operator’s Licence will **not** be granted without evidence that either planning permission has been issued for the premises concerned or planning permission is not required for the limited use proposed.

APPENDIX S

FARE TARIFF

MAXIMUM FARES FOR HACKNEY CARRIAGES

(Correct as at 1 December 2009)

Scale of maximum charges fixed by the Mid Suffolk District Council with respect to Hackney Carriages in the District to operate from 1 December 2009.

- NOTE:**
- Tariff 1** – Day Rate (07:00 to 23:00) Excluding Public Holidays and those covered by Tariff 3
 - Tariff 2** - Night Rate (23:00 to 07:00) to include all Public Holidays excluding those covered by Tariff 3
 - Tariff 3** - Rate for Christmas (18:00 on 24 December to 07:00 on 27 December) and New Year (18:00 on 31 December to 07:00 on 2 January)

1 MILEAGE

- Tariff 1:** £2.80 for the first 820 yards or 4 minutes 40 seconds or combination of time and distance
- Tariff 2:** £3.40 for the first 820 yards or 4 minutes 40 seconds (or combination of time and distance)
- Tariff 3:** £4.20 for the first 820 yards or 4 minutes 32 seconds (or combination of time and distance)

2. WAITING TIME

- Tariff 1:** £0.20 for each subsequent 234 yards or 80 seconds or part thereof (or a combination of time and distance)
- Tariff 2:** £0.20 for each subsequent 195 yards or 67 seconds or part thereof (or a combination of time and distance)
- Tariff 3:** £0.20 for each subsequent 160 yards or 53 seconds or part thereof (or a combination of time and distance)

3 CALL OUT OR SUMMONING CHARGE

£5.00 Maximum additional rate of charge and pro rata for distances less than a mile. To be used for any part of the district (one way only). This is a maximum rate of charge, the whole or part of which is to be agreed with the hirer as an extra at the time of booking before the hire is accepted or journey commenced and is to be included on the taxi meter as an extra.

4. EXTRA CHARGES (At the Drivers discretion)

£0.20 each additional passenger in excess of two (excluding infants in arms, 2 children under 10yrs count as one person)

£0.70 each additional passenger in excess of the first two additional passengers incurring £0.20, in vehicles licensed to carry more than 4 passengers.

£0.20 for use of the luggage compartment (No restriction on number of items).

A sum equal to the amount of any Congestion/Toll Charge may be made.

5. VALETING

The proprietor of the vehicle may make a further charge for any 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 soiling/fouling charge policy inside the vehicle.

6. PENALTY FOR BREACH OF FARE TABLE

The penalty for charging a fare in excess of the published table of fares except when such fare has been agreed with the passenger in advance will be a fine not exceeding £400.

APPENDIX T

EXAMPLE OF TAXI TARIFF FORMULA

- 1 The most commonly used formula for calculating tariff rates is probably that developed some time ago by **Brighton & Hove** Council, in conjunction with their taxi trade.
- 2 This formula, set out below, has been used by some authorities as the basis for setting the maximum cost per mile which the Council will consider when reviewing their tariff rates.
- 3

Average Earnings (East Area)	+	[Vehicle Running Costs its Mileage x Average Productive Mileage]	+	Additional Insurance Costs
---------------------------------	---	--	---	-------------------------------

Average Productive Mileage

Where

- | | | |
|---------------------------------------|---|---|
| Average Earnings (East) | = | The Government's April published current regional annual average earnings as indicated on the Income Data Survey Website. |
| Vehicle Running Costs per Mile | = | Average cost per mile, as determined by the AA, of running a car costing between £13,000 and £20,000 over an annual mileage of 30,000 miles (Max available) – Determined by adding the costs per mile of operating a diesel vehicle and a petrol vehicle and dividing by 2. |
| Average Productive Mileage | = | Taken to be 50,000 miles but with an allowance of 40% for "dead mileage" giving a figure of 30,000 miles |
| Additional Insurance Costs | = | These are the additional costs to comprehensively insure an average taxi vehicle over and above the costs, as determined by the AA, of the normal private car insurance that would be necessary for that vehicle. |

APPENDIX U

LICENCE FEES - HACKNEY CARRIAGE / PRIVATE HIRE

Correct at 1 April 2011

Fee Type	Fees
Driver Licences	
Hackney Carriage and Private Hire Vehicle Combined Drivers Licence Fee – Annual Licence	£90.00
Hackney Carriage and Private Hire Vehicle Combined Drivers Licence Fee – 3 Yearly Licence	£230.00 (will commence from 1 June 2011)
CRB Check	£36.00 (subject to periodic amendment – with effect from 06.04.2011 the fee will rise to £44.00)
DVLA Check	£5.00 (subject to periodic amendment)
Vehicle Licences	
Vehicle Licence Charge (Initial Fee) (Including Plate)	£270.00 Hackney Carriage (includes Vehicle Plate fee of £25.00 and 1 meter test of £25.00)
	£195.00 Private Hire Vehicle (includes Vehicle Plate fee of £25.00)
Vehicle Licence Charge (Annual Fee) (Including Plate)	£240.00 Hackney Carriage (includes Vehicle Plate fee of £25.00 and 1 meter test of £25.00)
	£165.00 Private Hire Vehicle (includes Vehicle Plate fee of £25.00)
Vehicle Plate	£25.00
Vehicle Plates Bracket only	£20.00
Replacement Vehicle (Change of Vehicle – same expiry date)	£180.00 Hackney Carriage (includes Vehicle Plate fee of £25.00 and 1 meter test of £25.00)
	£125.00 Private Hire Vehicle (includes Vehicle Plate fee of £25.00)
Transfer of Vehicle Licence	£70.00 (Plus £25.00 Vehicle Plate Fee if the transferee wishes to transfer from PHV to HC or HC to PHV) (note this fee does not include meter test fee if transferring from PHV to HC)
Change of Registration Details	£75.00 (includes Vehicle Plate fee of £25.00)
Vehicle Change from HC to PHV or PHV to HC	£95.00 Hackney Carriage (includes Vehicle Plate fee of £25.00 and 1 meter test of £25.00)
	£70.00
Temporary Vehicles (Based on a sliding scale) (Doesn't include cost of Plate)	
Per Day Charge	£70.00 Hackney Carriage (includes Vehicle Plate fee of £25.00 and 1 meter test of £25.00)

	£45.00 Private Hire Vehicle (includes Vehicle Plate fee of £25.00)
Per Week Charge	£70.00 Hackney Carriage (includes Vehicle Plate fee of £25.00 and 1 meter test of £25.00)
	£45.00 Private Hire Vehicle (includes Vehicle Plate fee of £25.00)
Per Month Charge	£140.00 Hackney Carriage (includes Vehicle Plate fee of £25.00 and 1 meter test of £25.00)
	£115.00 Private Hire Vehicle (includes Vehicle Plate fee of £25.00)
Operators Licence (Based on Sliding Scale)	
1 Vehicle	£100.00
2 or 3 Vehicles	£175.00
4 to 6 Vehicles	£225.00
7 to 9 Vehicles	£300.00
10 + Vehicles	£360.00
Miscellaneous Fees	
Change of Name	£20.00
Change of Address	£20.00
Replacement Licence (Paper/Badge of Drivers Licence or Paper/Interior Licence of Vehicle)	£20.00 Annual Licences or £50.00 3 Yearly Licences
Disability Training	£ cost of training plus £10.00 administration fee
Safeguarding Children Training	£ cost of training plus £10.00 administration fee
Vehicle Inspection Costs	£ cost of inspection plus £10.00 administration fee
Drivers Knowledge Test	£30.00
Drivers Knowledge Re-Test	£20.00
Licence reissued after suspension	£20.00 Annual Licences or £50.00 3 Yearly Licences
Taxi Meter Calibration Check	£20.00
Hackney Carriage Fare Tariff Card	£5.00

APPENDIX V

TAXI RANKS IN THE MID SUFFOLK DISTRICT COUNCIL AREA

The Authority has appointed ranks, as indicated below, for hackney carriages on the public highway.

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 Authority will consider the creation of new stands/ranks where there is a perceived need. Everyone who wishes the Authority 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.

Location of Rank	Number of Vehicles	Time Restriction
Market Place, Stowmarket	3	None
Regal Theatre Car Park, Ipswich Street, Stowmarket	2	None

APPENDIX W

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE HEARINGS PROCEDURES

Commencement

- 1. These Procedures shall come into force on 1st April 2008.**

Interpretation

- 2. In these Procedures —**

“the Act(s)” means the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions Act 1976 Part II;

“Authority” means, in relation to a hearing, Mid Suffolk Licensing Authority (Mid Suffolk District Council);

“hearing” means the hearing referred to in column 1 of the table in Schedule 1 as the case may require;

“legible in all material respects” means that the information contained in the notice is available to the recipient to no lesser extent than it would be if given by means of a document in written form;

“notice of hearing” means the notice given under Procedure 6;

“party to the hearing” means a person to whom the notice of hearing is to be given in accordance with Procedure 6 and “party” and “parties” shall be construed accordingly.

Words imparting the masculine gender only shall include the feminine and vice versa.

Scope

- 3. These Procedures make provision for the process to be followed in relation to hearings held under the, Hackney Carriage and Private Hire Vehicle Licensing Policy, and Act(s) by the Authority.**

Period of time within which hearing to be held

- 4. The Authority shall arrange for the date on which and time and place at which a hearing is to be held in accordance with Procedure 5 and shall give a notice of hearing in accordance with Procedures 6 and 7.**
- 5. —**
 - (1) Where a hearings to be held under the Hackney Carriage and Private Hire Vehicle Licensing Policy, the Licensing Panel must arrange for the hearing to be commenced as soon as is reasonably practical.
 - (2) In any case where the hearing is to be held on more than one day, the Licensing Panel must arrange for the hearing to take place on consecutive working days.

Notice of hearing

6. In the case of hearings under the provisions listed in column 1 of the table in the said Schedule 1, the Authority shall give to the persons listed in column 2 of the table a notice stating the date on which and time and place at which the hearing is to be held (the “notice of hearing”) in accordance with the following provisions of this Procedure.

Information and documents to accompany notice of hearing

7. —

- (1) The notice of hearing shall be accompanied by information regarding the following—

- (a) the rights of a party
- (b) the consequences if a party does not attend or is not represented at the hearing;
- (c) the procedure to be followed at the hearing;
- (d) any particular points on which the Authority considers that it will want clarification at the hearing from a party.

- (2) In relation to hearings under the provisions listed in column 1 of the table in the said Schedule 1, the notice of hearing given to the persons listed in column 2.

Power to postpone

8. —

- (1) The Licensing Panel may at any time —

- (a) postpone a hearing to a specified date, or
- (b) arrange for a hearing to be held on a date specified by the Panel.

- (2) The Licensing Panel may take the actions specified in paragraph (1) if it considers it necessary —

- (a) to enable it to consider any information or documents provided by any party in response to a notice under Procedure 6, or at the hearing, or
- (b) having regard to the ability of any party, person representing a party or witness to attend the hearing.

- (3) Where the Licensing Panel has adjourned a hearing to a specified date it must, as soon as reasonably practical, notify the parties of the new date, time and place for the hearing.

- (4) Where the Licensing Panel has arranged for the hearing to be held on a specified additional date it must, as soon as reasonably practical, notify the parties of the additional date, time and place for the hearing.

Power to extend time etc.

9. —

- (1) The Authority may extend the time limit for a specified period where it considers an extension to be in the public interest.

- (2) Where the Authority has extended the time limit in accordance with paragraph (1), it must, as soon as reasonably practical, give a notice of the extension to the parties stating the period of the extension and the reasons for it.

Right of attendance and assistance

10. Subject to Procedure 11, a party may attend the hearing and may be assisted or by any person whether or not that person is legally qualified, parties also have the right to legal representation at their own expense.

Proceedings of a Licensing Panel in conducting a hearing

11. —

- (1) At the beginning of the hearing the Licensing Panel must explain the process that it proposes to follow in conducting the hearing.
- (2) In conducting a hearing the Licensing Panel must ensure that each party is given the opportunity to —
 - (a) address the Licensing Panel on any matter that is relevant to the application or disciplinary proceedings made on the application or disciplinary proceedings;
 - (b) call witnesses to give evidence on any matter that is relevant to the application or disciplinary proceedings made on the application or disciplinary proceedings;
 - (c) provide further information on, or explanation of, any matter on which the Licensing Panel has indicated that it will want further clarification under Procedure 7.
- (3) In conducting a hearing the Licensing Panel must also—
 - (a) permit any party to question any other party or person representing a party on any matter that is relevant to the application or disciplinary proceedings made on the application or disciplinary proceedings, where the Licensing Panel considers that in all the circumstances it is appropriate to do so; and
 - (b) take into consideration documentary or other information that may be relevant to the application or disciplinary proceedings —
 - (i) before the hearing; or
 - (ii) at the hearing, with the consent of all the other parties attending the hearing.
- (4) Without prejudice to paragraphs (2) and (3) above, a hearing must be conducted so that it takes the form of a discussion led by the Licensing Panel, and the Panel must not permit any cross-examination unless it considers that cross-examination is required for it properly to consider the application.

Failure of parties to attend the hearing

12. —

- (1) If a party has informed the Authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the Authority may—

- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
- (3) Where the Authority holds the hearing in the absence of a party, the Authority shall consider at the hearing the application or disciplinary proceedings.
- (4) Where the Authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Exclusion of disruptive persons

13. —

- (1) The Licensing Panel may require any person attending the hearing who in their opinion is behaving in a disruptive manner, or in breach of conditions specified under this paragraph, to leave the hearing and may —
- (a) refuse to permit him to return, or
 - (b) permit him to return only on such conditions as the Licensing Panel may specify.
- (2) The Licensing Panel may allow a person who is attending the hearing and in their opinion is behaving in a disruptive manner, or in breach of conditions specified under paragraph (1) above, to remain at the hearing only on such conditions as the Panel may specify.
- (3) Where a person is required to leave the hearing in accordance with paragraph (1) above, the Licensing Panel must —
- (a) permit him to submit in writing, before the end of the hearing, any information which he would have been entitled to give orally had he not been required to leave; and
 - (b) take into account that information in reaching a determination of the application or disciplinary proceedings.

Representations and supporting information

14. At the hearing a party shall be entitled to —

- (a) in response to a point upon which the Authority has given notice to a party that it will want clarification under Procedure 6(1)(d) above, give further information in support of their application or disciplinary proceedings (as applicable);
- (b) if given permission by the Authority, question any other party; and
- (c) address the Authority.

15. Members of the Authority may ask any question of any party or other person appearing at the hearing.

16. The Authority shall disregard any information given by a party or any person to whom permission to appear at the hearing is given by the Authority which is not relevant to —

- (a) their application or disciplinary proceedings (as applicable) or in the case of another person, the application or disciplinary proceedings of the party requesting their appearance.

Determination of applications

17. Following a hearing under the Hackney Carriage and Private Hire Vehicle Licensing Policy, the Licensing Panel must determine the application or disciplinary proceedings before the end of the period of 5 working days starting with the day after the last day of the hearing.

Notification of determination

18. Where the Authority notifies a party of its determination, the notice to the party must be accompanied by information regarding the right of a party to appeal against the determination of the Authority.

Record of proceedings

19. —
 - (1) The Licensing Panel must ensure that a record of the hearing is taken in a permanent and intelligible form.
 - (2) The Licensing Panel must ensure that any such record is kept for a period of six years from the date that the application or disciplinary proceedings is finally determined (including, in either case, any appeal or judicial disciplinary proceedings).

Irregularities

20. —
 - (1) Subject to paragraph (2) below, the Licensing Panel may disregard any irregularity resulting from a failure to comply with a provision of these Procedures otherwise determined by the Licensing Panel in accordance with Procedure 3 above, where that irregularity comes to its attention prior to it making a determination of the application or disciplinary proceedings.
 - (2) If the Licensing Panel considers that any person may have been prejudiced by any such irregularity, it must take such steps that it considers necessary to remedy the consequences of the irregularity, before reaching its determination.

Clerical mistakes

21. The Licensing Panel may correct clerical mistakes in any document recording a determination of the Panel, or errors arising in such a document from an accidental slip or omission.

Notices etc.

22. Except where otherwise provided, a requirement under these Procedures to give a notice (or to notify) is a requirement to give notice in writing; and for that purpose, a message sent by facsimile transmission or electronic mail must be treated as a notice given in writing.

SCHEDULE 1

Column 1	Column 2
Process in relation to which a hearing is required to be held	Person(s) to whom notice must be given
Application for a Drivers, Vehicle or Operators Licence	The Applicant
Disciplinary Hearings	(1) The Licence Holder (2) A officer of Suffolk Constabulary (If applicable)