

# Mid Suffolk District Council

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

2022-2025

### Introduction and the Role of the Licensing Authority

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

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

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

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

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

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

## Foreword by Councillor Jessica Fleming

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

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

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

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

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

”



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# PART 1: HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER POLICY

## 1. DEFINITIONS

### 1.1 DEFINITIONS

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

### 1.2 FIT AND PROPER PERSON TEST

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

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

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

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

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

## 2. DRIVER APPLICATION REQUIREMENTS

### 2.1 DISCLOSURE AND BARRING SERVICE CHECK

2.1.1 A Disclosure and Barring Service (DBS) Check is a vital component of assessment in regard to the driver being a fit and proper person.

2.1.2 The Council will only accept DBS certificates which are applied for through the Council's DBS checking system. However, a DBS certificate issued by another local Council will be accepted if it has been printed within the last four weeks, is to an enhanced level and has been processed in relation to other workforce employment (including the barred, children and adult lists).

2.1.3 Once a licence has been granted to an applicant the licence holder is required to register with the DBS update service and provide the Licensing team with a code to allow the team to check the licence online annually. Any applicant who has not registered for the DBS Update Service will be required to undergo an annual DBS check at cost to the applicant.

## **2.2 REHABILITATION OF OFFENDERS ACT**

- 2.2.1 The Council is entitled under the Rehabilitation of Offenders Act 1974, as amended by the Rehabilitation of Offenders Act 1974 (exceptions) (Amendment) Order 2002, to consider relevant spent convictions when determining the 'fit and proper' person status of Hackney Carriage/PHV driver applicants.
- 2.2.2 Each case will be considered on its own merits, and applicants/licensees are entitled to a fair and impartial consideration.

## **2.3 CRIMES RESULTING IN DEATH**

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

## **2.4 EXPLOITATION ETC.**

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

## **2.5 SEXUAL OFFENCES**

- 2.5.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity a licence shall not be granted.
- 2.5.2 In addition to this matter the licensing authority shall not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

## **2.6 OFFENCES INVOLVING VIOLENCE AGAINST THE PERSON**

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

## **2.7 DRUGS**

- 2.7.1 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 2.7.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 2.7.3 In these circumstances, any applicant will have to undergo drugs testing for 6 months at their own expense to demonstrate that they are not using controlled drugs.

## **2.8 POSSESSION OF A WEAPON**

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



## **2.9 DISHONESTY**

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

## **2.10 DISCRIMINATION**

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

## **2.11 DRINK DRIVING/DRIVING UNDER THE INFLUENCE OF DRUGS**

2.11.1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.

2.11.2 In these circumstances, any applicant will have to undergo drugs testing for 6 months at their own expense to demonstrate that they are not using controlled drugs.

## **2.12 USING A HANDHELD DEVICE WHILST DRIVING**

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

## **2.13 MOTORING CONVICTIONS**

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

2.13.2 A conviction or caution for reckless driving or driving without due care and attention etc. will normally merit at least a warning as to future driving conduct and advice on the standard expected of Hackney Carriage and PHV drivers. More than one conviction/caution for this type of offence within the last 2 years will normally merit refusal and the grant of a licence should not normally be considered until a period of at least 3 years, free from convictions/cautions/endorsements, has elapsed.

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

## **2.14 PERSISTENT CRIMINALITY**

2.14.1 Due to potential risks to the public, applications from persons with a persistent record of criminality, where the record suggests a persistent lack of regard for the well-being of others or for their property, would normally be refused.

## **2.15 MEDICAL CHECK**

- 2.15.1 All applicants shall provide a completed medical examination form supplied by the Council. This form must be completed by the applicants own General Practitioner or by a General Practitioner who has access to the applicant's full and complete medical records. All applicants shall be assessed to Group 2 medical standard.
- 2.15.2 The Council may require applicants and licence holders to undergo further medical or occupational assessments when deemed necessary.
- 2.15.3 Where there is any doubt as to the medical fitness of the applicant the Council may make further enquiries to the General Practitioner or specialists before determining an application.
- 2.15.4 Medical examination forms will be required every three years unless the General Practitioner states more frequent examination is necessary due to an ongoing medical condition that could impact the applicants driving capability. At 65 years of age annual examinations will be required.

## **2.16 CONTINUED MEDICAL FITNESS**

- 2.16.1 Licence holders must advise the Licensing Team without delay of any worsening medical condition or other change in their health that may affect their driving. If a licensed driver develops a medical condition that fails to meet DVLA group 2 medical standards of fitness to drive (note this is a higher standard than that required to hold an ordinary driving licence), the driver must surrender their licence to the Council. The licence and badge will be retained by the Licensing Team until a General Practitioner assesses that the driver meets the fitness criteria to continue driving.

## **2.17 DVLA CHECK**

- 2.17.1 All new applicants and licensed drivers of a Combined Hackney Carriage/Private Hire Driver's Licence are required to obtain a code from the DVLA under the share my driving licence service (please see information leaflet provided). This code must be provided annually to allow the Council to check the applicant's driving history.

## **2.18 KNOWLEDGE TEST**

- 2.18.1 All new applicants for a Combined Hackney Carriage and Private Hire Driver's Licence will need to obtain a pass certificate for the Council's Knowledge Test. The tests are based on the applicant's knowledge of the requirements of being a driver and the local area.
- 2.18.2 Applicants will be permitted a maximum of five opportunities to pass the knowledge test and if a pass is not obtained the applicant will be required to wait for 12 months before retaking the assessment.

## **2.19 TRAINING**

- 2.19.1 All new applicants are required to undertake the BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver. This training is to be carried out at the drivers' expense and a pass certificate presented to the Council prior to acquiring a Combined Hackney Carriage & Private Hire Driver Badge. Refresher training will be required on a three-yearly basis. Drivers will be advised by the Licensing Team when refresher training is due.
- 2.19.2 All existing drivers on renewal will be expected to undertake the BTEC Level 2 in an Introduction to the Role of a Professional Taxi and Private Hire Driver course and this training is to be carried out at the drivers' expense. A pass certificate must be presented to the Council within six months of the renewal of their Combined Hackney Carriage & Private Hire Driver Badge. Refresher training will be required on a three-yearly basis. Drivers will be advised by the Licensing Team when refresher training is due.
- 2.19.3 There are no formal entry requirements for this course, but all applicants will be required to have a good understanding of English.

2.19.4 The BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver will incorporate disability awareness and safeguarding.

## **2.20 FOREIGN NATIONALS**

2.20.1 Applicants born outside of the UK and resident in the UK for less than 5 years, who are not a British Citizen will need to provide to the Council a Certificate of Good Conduct which details if the applicant has a criminal record in their own country. This certificate can be obtained from the Embassy, Consulate or High Commission of the Country. If these certificates cannot be obtained in English, they must be translated by an official translator who will be expected to sign a declaration that to the best of their knowledge the information is correct.

2.20.2 A DBS check will also be undertaken along with a Home Office referral to ascertain if the applicant has the right to work within the UK. Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

## **2.21 NATIONAL REGISTER OF LICENCE REVOCATIONS AND REFUSALS**

2.21.1 The Council has access to the National Register of Licence Revocations and Refusals in order to check if an applicant has previously had a licence refused or revoked by another local authority.

## **2.22 TAX CHECKS ON LICENCE APPLICATIONS AND RENEWALS**

2.22.1 From the 4 April 2022 all applicants will need to carry out a tax check. The Licensing team will be required to obtain confirmation from HMRC that the applicant has completed the check before being able to consider the application.

# **3. CONDUCT OF ALL DRIVERS**

## **3.1 GENERAL CONDUCT**

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

3.1.2 The driver when hired to drive to a particular destination shall proceed to that destination by the shortest/quickest route.

3.1.3 The driver shall not convey or permit to be conveyed in a vehicle any greater number of persons than the number of persons indicated on the Vehicle Licence.

3.1.4 All reasonable assistance will be afforded to passengers with luggage.

3.1.5 The driver is expected to exercise due care and attention at all times whilst undertaking their duties.

3.1.6 The driver shall at no time cause or permit the noise emitted by any radio or other device in the vehicle which they are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

3.1.7 All reasonable assistance will be afforded to passengers with disabilities.

## **3.2 DRIVER DRESS CODE**

3.2.1 It is recognised that the taxi trade, both Hackney Carriages & Private Hires, play an important role in portraying a positive image of Babergh & Mid Suffolk and they are seen as key ambassadors for the Districts. Therefore, the driver shall at all times be clean and respectable in their dress and person and behave in a civil and orderly manner befitting public service.

## **3.3 CARRYING OF DRIVER'S BADGE**

- 3.3.1 A driver shall at all times carry whilst in the course of their duty the driver's badge which must display a passport style photograph for identification purposes. This badge must be shown, if requested, to the hirer of the vehicle to any authorised Officer of the Council or Police Officer for the purpose of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.3.2 The badge shall be held in accordance with the requirements of these conditions, and should a driver's badge be lost, stolen, or defaced then the driver must notify the Council and seek the issue of a replacement without delay. A replacement badge will incur a cost to the driver.

### **3.4 SMOKING, EATING AND DRINKING**

- 3.4.1 The driver must not smoke or vape in a licensed vehicle, even when it is not being used for hire or reward.
- 3.4.2 The driver shall not eat in the vehicle unless they have a medical need.

### **3.5 MOBILE PHONES AND HANDSFREE DEVICES**

- 3.5.1 No mobile phones save for 'hands free' kit shall be used whilst the driver is driving the vehicle. Use of any handheld mobile phones or similar device whilst driving is prohibited by law.

### **3.6 LOST PROPERTY**

- 3.6.1 The driver shall after every hiring search the vehicle for any property which may have been accidentally left therein.
- 3.6.2 The driver shall, if any property is accidentally left within their vehicle, retain the property within the vehicle or at the operator's office for a reasonable period.

### **3.7 CONVICTIONS, CAUTIONS, CHARGES AND ENDORSEMENTS**

- 3.7.1 The driver shall within 48 hours disclose to the Council, in writing, details of any arrest and release, charge, driving licence endorsements, conviction or caution imposed on them during the period of the licence. It should be noted that the Police may notify the Council of relevant information or convictions.
- 3.7.2 The Council may suspend, revoke, or refuse to renew a driver's licence should this condition not be complied with.
- 3.7.3 A decision to refuse or revoke a licence where an individual is thought to present a risk of harm to children or vulnerable adults will be referred to the Disclosure and Barring Service.

### **3.8 DRIVING STANDARDS**

- 3.8.1 The expectation of the Council is that all drivers shall drive to a high standard remaining professional at all times. An existing licensed driver may be required to undertake a further driving assessment in certain circumstances:
- Obtaining 9 or more penalty points on their DVLA driving licence
  - One serious or three minor fault accidents within a one-year period
  - Serious complaint(s) about driving standards

This list is not exhaustive and there may be other reasons for requiring an existing licensed driver to undertake an assessment. In all instances, a driver will receive a letter explaining the reasons for an assessment and will be required to deposit their badge to the Council. This assessment must be completed, and a certificate provided to the Council before the driver is permitted to continue driving their vehicle at which point the badge will be returned.

- 3.8.2 If the driver fails to comply with the request for an assessment, the matter will be referred to the Licensing Sub-Committee for it to determine whether the driver remains fit and proper to hold a licence.

### **3.9 CHANGE OF ADDRESS AND CHANGE OF OPERATOR**

- 3.9.1 The driver shall notify the Council in writing of any change of their address or any change of Operator during the period of the licence within 7 days of any such change.

### **3.10 RETURN OF BADGE**

- 3.10.1 The driver shall upon the expiry, revocation, or suspension of this licence, immediately return to the Council the Driver's badge issued to them by the Council when granting this licence.

### **3.11 ANNUAL DECLARATIONS**

- 3.11.1 The driver will be sent a declaration form annually that is required to be completed and returned to the team 14 days prior to their renewal date.
- 3.11.2 Failure to return this form will begin a two-step process. Firstly, a reminder letter will be sent to request that if the driver wishes to continue to be licensed, they have an additional 14 days in which to provide their declaration and fee to the team to allow for postal delays. If the declaration is not provided the driver is then sent a letter to inform them the licence will lapse until payment is made to reinstate it.

## **4. ADDITIONAL ASSISTANCE REQUIREMENTS**

### **4.1 PASSENGERS WITH ASSISTANCE DOGS**

- 4.1.1 The Equality Act 2010 requires Hackney Carriage proprietors and Private Hire Operators to carry guide, hearing and other assistance dogs for disabled passengers and must do so at no extra charge.

### **4.2 PASSENGERS WHO ARE WHEELCHAIR USERS**

- 4.2.1 Section 165 of the Equality Act 2010 states that a driver of a designated wheelchair accessible vehicle is required to undertake the following duties:
- a. to transport the passenger whilst in the wheelchair;
  - b. not to make any additional charge for doing so;
  - c. if the passenger chooses to sit in a passenger seat to carry the wheelchair;
  - d. to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - e. to give the passenger such mobility assistance as is reasonably required and that they are competent to provide
- 4.2.2 A driver of a wheelchair accessible vehicle must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
- 4.2.3 Before any movement of the vehicle takes place, the driver must ensure that a passenger travelling in their wheelchair is wearing a seatbelt unless the passenger is exempt and ensure the brakes of the wheelchair have been applied.

### **4.3 MEDICAL EXEMPTIONS**

- 4.3.1 Exemption from lifting wheelchairs or people who are wheelchair users or have mobility difficulties and from transporting assistance dogs may only be obtained by individual drivers on medical

grounds. If any driver of the vehicle wished to apply for exemption on such grounds, then they should contact the Council for an exemption application.

## **PART 2: VEHICLE SPECIFICATIONS AND CONDITIONS OF LICENCE**

### **5 DEFINITIONS**

#### **5.1 DEFINITIONS**

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

#### **5.2 SMOKING (INCLUDING VAPE & E-CIGARETTES)**

5.2.1 Smoking in licensed vehicles has been an offence since 1 June 2007. Vehicle licence holders must not permit the use of Vape or E-cigarettes within the licensed vehicle.

#### **5.3 CCTV**

5.3.1 The Council's position on CCTV is that we will look sympathetically on all requests for CCTV to be installed within a licensed vehicle. Vehicle licence holders or prospective licence holders must provide the Licensing team with details of the proposed CCTV system prior to installation. Where the CCTV system is approved for use additional conditions will be attached to the vehicle licence.

5.3.2 A full consultation will be undertaken by the Council at a later date on the subject of CCTV, its merits and whether or not CCTV should be mandatory.

## **6 VEHICLE SPECIFICATIONS AND CONDITIONS OF LICENCE**

### **6.1 GENERAL**

6.1.1 The Council recognises the need to move towards a greener fleet for the benefit of the environment as referenced in 6.1.8 below. The motor trade is also moving in this direction under the central government direction to cease the sale of all new petrol and diesel cars by 2030. Given the current infrastructure and cost constraints it is impractical to require the trade to change wholesale to greener vehicles in the short term however the Council will look to research and develop an incentive scheme to encourage a move towards carbon reduction in line with the Council's Climate Change ambition.

6.1.2 All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle (Hackney Carriage or Private Hire Vehicles including Stretched Limousines). This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.

6.1.3 All vehicles shall have an appropriate "type approval" which is either a:-

- European Community Whole Vehicle Type Approval;
- British National Type Approval; or
- British Individual Vehicle Approval.

6.1.4 Be of Euro New Car Assessment Programme star rating of 4 or more.

6.1.5 Be no more than eight years of age since the date of first registration.



- 6.1.6 Where a currently licensed vehicle of either petrol or diesel reaches ten years of age it must be tested a minimum of twice a year to ensure the vehicle remains fully compliant and fit for purpose.
- 6.1.7 Be capable of carrying at least 4 passengers, be fitted in right-hand drive (an exception regarding right hand drive will be made in the case of a stretched limousine) and shall have an engine capacity which is capable of enough power to carry the number of passengers it is licensed for including luggage.
- 6.1.8 The Council strongly recommends new, or replacement vehicles be either Hybrid or Electric Vehicle (an exception will be made for stretched limousines on a case-by-case basis). Hybrids in addition to the above minimum engine size capacity shall be of the following type: Plug-in (PHEV), Self-Charging or Range Extender (REX or Series Hybrid). Mild Hybrids will be considered on a case-by-case basis; please contact the Licensing Team if you are considering buying a Mild Hybrid.
- 6.1.9 Other alternative fuels such as Hydrogen and Hydrotreated Vegetable Oil (HVO) will be considered on a case-by-case basis.
- 6.1.10 Comply with all construction and use/type approval requirements applicable to the vehicle.
- 6.1.11 Any application for a new Hackney Carriage or Private Hire Vehicle for 8 passengers must be Wheelchair accessible.
- 6.1.12 Be either a purpose-built taxi, or a 4-door saloon or 5-door hatchback/estate/multi-passenger (MPV)/sports utility (SUV) vehicle, except that a private hire vehicle shall not be of the London Taxi type.
- 6.1.13 Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes however category N will be considered on a case-by-case basis with the reasons for write off provided to the team by the relevant insurance underwriter.
- 6.1.14 The layout of the vehicle must permit communication between the driver and passengers at all times.
- 6.1.15 All vehicles shall at all times be maintained in sound and roadworthy condition and serviced according to the manufacturer's recommendations.

## 6.2 SAFETY SCREENS

- 6.2.1 Prior to installing protective screens within the vehicle, the vehicle proprietor must contact the licensing team to obtain consent for the safety screen to be fitted.
- 6.2.2 All screens shall conform to the following requirements:
- That the product is compliant with government and industry regulations, the Road Vehicle (Construction and Use) Regulations and relevant safety, UK, and European Community (EC) legislation.
  - Evidence that the product has been tested to relevant UK standards and approved by appropriate certification organisation.
  - The screen shall only be fitted by a professional installer in accordance with the manufacturer's instructions.
  - The screen shall only be constructed of PETG (Polyethylene Terephthalate Glycol-modified) or polycarbonate.
  - Screens shall not impede the driver's vision, movement, or communication with passengers, or the driver or passenger access or egress to the vehicle.
  - Insurers shall be notified of any modifications made to the vehicle.
  - Confirmation from the manufacturer that the installation does not compromise the integrity of the vehicle's structure and safety features.

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

## 6.3 DOORS

- 6.3.1 All saloons, estates or purpose-built taxi vehicles shall have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits, and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.
- 6.3.2 All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.
- 6.3.3 All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers.

## 6.4 INTERIOR DIMENSIONS

- 6.4.1 Height Inside: There must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
- 6.4.2 Knee Space: There must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

## 6.5 SEATS

- 6.5.1 Access to every passenger seat must be unobstructed and be easily accessible to passengers.
- 6.5.2 Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests, or other parts of the vehicle. All measurements are taken across the front of the seat cushion.
- 6.5.3 There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.
- 6.5.4 The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
- 6.5.5 In the case of Multi-Purpose Vehicles where there is a rearmost row of seats and seats capable of being the rearmost seats e.g., fold away seats – these must be forward facing.
- 6.5.6 In relation to the carriage of child passengers under 3 years of age and travelling in the front seat of the vehicle, an appropriate child seat **MUST** be used, where an appropriate child car seat is not available for a child passenger under 3, they **MUST** travel in the rear of the vehicle only. Where a child passenger is between 3-12 years old and an appropriate child car seat is not available, they **MUST** travel in the rear seats of the vehicle and an adult seat belt **MUST** be worn.
- 6.5.7 When a child seat or booster seat is used in the front seat where there is an active front airbag (ready to be deployed in the event of an accident) the vehicle handbook must be consulted for advice on seating children in seats with front airbags and this should be followed. Children, and adults for that matter, should not sit close to an active front airbag. It is suggested by the UK Department for Transport that the car seat should be as far back as possible from an airbag.

## 6.6 SEAT BELTS



- 6.6.1 All vehicles must be fitted with fully operational front and rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

## **6.7 PASSENGER CAPACITY**

- 6.7.1 The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to previously.

## **6.8 FIRE EXTINGUISHERS**

- 6.8.1 An appliance for extinguishing fires must be carried in such a position as to be readily available for use. Such an appliance must be a minimum of either a 2kg ABC General Purpose Powder or 2 litre AFFF Foam and conform to BSEN 3, showing the appropriate kite-mark and must be securely fixed in a position readily accessible to the driver.
- 6.8.2 All extinguishers must be checked every 12 months by one of the Council's nominated garages during the vehicle test. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number.

## **6.9 FIRST AID KIT**

- 6.9.1 There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable first aid kit containing appropriate dressings for immediate use in an emergency.

## **6.10 VENTILATION**

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

## **6.11 LUGGAGE**

- 6.11.1 Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available. Luggage carried must be suitably secured in place.
- 6.11.2 In the case where a roof mounted storage is used, this must not obstruct the roof mounted signage.

## **6.12 MAINTENANCE AND CONDITION OF THE VEHICLE**

- 16.12.1 The interior and exterior of the vehicle shall be maintained in a clean, safe, and proper manner to the reasonable satisfaction of the Council. In particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of all stains, splits and tears and the seats shall be required to function in accordance with the original manufacturer's specification.
- 16.12.2 Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

## **6.13 MODIFICATIONS**

- 6.13.1 No vehicle shall be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users.
- 6.13.2 No material alteration or change in the specification, design, condition, or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly the approval of the Licensing Team, at any time while the licence is in force.

## **6.14 LICENCE PLATES AND STICKERS**

- 6.14.1 Except as provided at 6.14.4 below, at all times while the vehicle is being used as a Hackney Carriage or Private Hire vehicle there shall be securely fixed to the rear of the vehicle the appropriate Vehicle Licence Plates supplied by the Council.
- 6.14.2 The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plate referred to above. (For these purposes children are counted as one person).
- 6.14.3 At all times while the vehicle is being used as either a Hackney Carriage or Private Hire vehicle there shall be displayed at the top left hand of the windscreen of such vehicle, the licence disc, which identifies the vehicle as either a Private Hire vehicle or Hackney Carriage vehicle. On this disc will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.
- 6.14.4 Provided that express written consent has been granted from the Council, limousines and other professionally chauffeured vehicles may, in certain circumstances, be permitted not to display the internal and external vehicle licence plate.
- 6.14.5 All applications for dispensation from the requirements to display the internal and external vehicle licence plate will be considered by an authorised officer who will consider the individual circumstances of the case. Dispensations are unlikely to be granted unless the applicant can satisfy the authorised officer that their vehicle(s) are of such a type and age that they would be appropriate for executive travel and that such work represented at least 80% of their total business (verified by operator records in the case of existing vehicles). The licence plates must be carried in the boot of the vehicle at all times and shown to an authorised Officer of the Council or Police or VOSA upon request.

## **6.15 SIGNAGE**

### **HACKNEY VEHICLE MARKINGS**

- 6.15.1 All Hackney Carriage vehicles, other than those with built-in roof signs, must be fitted with an illuminated external sign on and above the roof of the vehicle showing the word "TAXI".
- 6.15.2 The roof sign must be centrally mounted on the vehicle roof and be adequately secured either directly to the roof by suitable magnets or mounted on a single roof bar and secured by bolts, straps, or clamps. Suction fittings alone are not considered suitable without additional means of fixing.
- 6.15.3 On purpose-built vehicles, with built-in roof signs, the roof light must be extinguished when the fare meter is in use.

### **PRIVATE HIRE VEHICLE MARKINGS**

- 6.15.4 A Private Hire Vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage. Any advertising or signage on the vehicle must specifically not include the words "taxi", "cab", "hackney carriage" or "hire" for this reason.

6.15.5 No alternative words or spellings, such as “Kab”, which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used on the vehicle. The Council’s decision as to the interpretation of 6.15.5 shall be final.

## 6.16 ADVERTISING ETC

6.16.1 Any advertising in or on the vehicle must be restricted to the name, logo or insignia, telephone number, free-phone number, fax number, email address or web site of the owner or operator of the vehicle. Advertising of other businesses or products or services is **not** permitted, including art works, emblems, symbols, slogans, or other displays of any kind.

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

6.16.3 Limited advertising, in line with the requirements of 6.15.1 and 6.15.2 above may be displayed on a vehicle subject to the following conditions:

### 6.16.4 HACKNEY CARRIAGES

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

### 6.16.5 PRIVATE HIRE VEHICLES

- (i) For saloons and estate cars the lettering of all advertising/graphics etc must be a maximum height of 15cm.
- (ii) For minibuses, transits and similar people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 25cm.

## 6.17 COMMUNICATIONS DEVICES

6.17.1 All two-way radio equipment must be of a type currently approved by Ofcom (Office of Communications).

6.17.2 All radio equipment fitted to the vehicle must be fitted securely and safely and in accordance with guidelines for the time being published by Ofcom.

6.17.3 Only one two-way radio with a single operator frequency may be operational in the vehicle at any one time and this shall be an approved radio used exclusively for the Hackney Carriage/Private Hire trade and licensed with an effective radio power (ERP) not exceeding 25 watts.

6.17.4 The use of a Citizen Band (CB) transmitter, receiver or radio scanner is prohibited.

## 6.18 METERS

### HACKNEY CARRIAGES

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

- 6.18.2 The taximeter and all the fittings shall be fixed to the carriage with seals or other appliances, so as to be tamper proof except by breaking, damaging, or permanently displacing the seals or other appliances.
- 6.18.3 The taximeter shall be positioned so that all letters and figures on the face thereof must be plainly visible at all times to any person being conveyed in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1988 and also at any time at the request of the hirer.
- 6.18.4 When the meter is operating there shall be recorded on the face of the meter, in clearly legible figures, a fare not exceeding the maximum fare that may be charged for a journey.
- 6.18.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle must immediately report the alteration to the Licensing Team so that arrangements for resetting and resealing may be made.
- 6.18.6 Any failure to the taximeter must be reported to the Licensing Team without delay.
- 6.18.7 An official copy of the Council's fare chart shall be clearly displayed in the vehicle so as to be plainly visible to all passengers.
- 6.18.8 The proprietor of the vehicle may make a further charge for any valeting deemed necessary following soiling/fouling to the interior of the vehicle rendering it unfit for further immediate hiring. This is a matter between the proprietor and the hirer. Vehicle proprietors must clearly display details of their valeting charge policy following soiling/fouling, inside the vehicle.
- 6.18.9 The taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the hire of Hackney Carriages.
- 6.18.10 Where the journey starts in the district and ends outside, a fare may be agreed before the start of the journey. The meter must be in operation for the duration of the journey and the final fare charged shall not exceed the fare on meter.

## **PRIVATE HIRE VEHICLES**

- 6.18.11 Although Private Hire vehicles may be fitted with a taximeter, it is not a requirement. However, any taximeter fitted to a Private Hire vehicle must comply with those conditions and requirements set out above from 6.18.1 to 6.18.8, as well as 6.19 and 6.20 below.
- 6.18.12 The current fare chart shall be clearly displayed in the vehicle, so as to be plainly visible to all passengers, along with a notice indicating that the hire charges for the vehicle are not prescribed by the Council but are a matter of negotiation with the hirer.

## **6.19 METER TESTING**

- 6.19.1 The meter will be calibrated in accordance with the current table of fares.
- 6.19.2 All taximeters are required to be tested by a meter agent when:

- a vehicle is first licensed as a taxi or private hire vehicle;
- a licensed vehicle is changed;
- a new meter is fitted;
- a new table of fares is created; or
- the seal is found to be broken/irregular.

- 6.19.3 All taximeters will be tested by the Council where an irregularity is reported/found as a result of a customer complaint or enforcement spot check.
- 6.19.4 Testing of the meter will include a run over a measured mile and shall be checked against the Council's table of fares.
- 6.19.5 Once the meter has been tested it will be sealed by the meter agent, with an identifiable seal and shall not be altered or tampered with.

## 6.20 RECEIPTS

- 6.20.1 A Receipt must be issued where it is requested by a customer.
- 6.20.2 Receipt information must include a minimum of the following:
- date and time of issue;
  - metered fare (Hackney only).
  - metered extras (Hackney only).
  - tariff code shown on the meter, i.e. tariff 1,2,3 or 4; (Hackney only) and
  - total fare.
- 6.20.3 A printer fitted to a licensed Vehicle must be approved by the Council before installation. Full technical specifications must be submitted for consideration as part of the approval process.
- 6.20.4 All printers must be CE-marked to identify that they are compliant with the appropriate automotive directives and motor vehicle regulations pertaining to the fitting of electrical sub-assemblies into motor vehicles.

## 6.21 TRAILERS

- 6.21.1 Trailers may only be used with the prior approval of the Council and subject to the following requirements:
- Trailers can only be used in connection with private hire vehicle bookings and cannot be used for plying for hire on a rank;
  - The trailer must at all times comply with all requirements of road traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;
  - The vehicle insurance must include cover for towing a trailer;
  - Trailers must not be left unattended anywhere on the highway;
  - The speed restrictions applicable to trailers must be observed at all times;
  - A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
  - Trailers must have been manufactured by a recognised manufacturer and not have been structurally altered since manufacture.
  - Un-braked trailers shall be less than 750 KGs gross weight.
  - Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
  - The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
  - The maximum permissible length of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
  - The maximum length for braked twin axle trailers is 5.54 metres.

## 6.22 DISABILITY ACCESS

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

6.22.2 Where a vehicle is utilised for the carriage of passengers using a wheelchair, the following conditions shall apply:

- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit;
- A suitable restraint must be available for the occupant of a wheelchair;
- Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and assistant.
- Ramps and lifts must be securely stored in the vehicle before it may move off.
- Hackney carriage vehicles must be side loading.

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

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

6.22.5 Subject to the provisions of section 6.15 above, a sign may be affixed to the outside of the vehicle indicating that it is wheelchair accessible provided that the vehicle has been manufactured or properly adapted for that purpose.

## 6.23 TINTED WINDOWS

6.23.1 The front side windows and windscreen of any vehicle shall comply with the current Construction and Use Regulations with regard to the level of tint. Except for stretched limousines (see paragraph 7.3.3 below) the remaining windows may have a minimum VLT of 50%. No self-adhesive material (tinted or clear) shall be affixed to any part of the glass. All vehicles licensed by this Council shall only be fitted with factory tinted glass by the vehicle manufacturer.

## 6.24 INSURANCE

6.24.1 There shall be a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988 for the duration of the vehicle licence.

6.24.2 A copy of the current vehicle insurance policy must be provided to the Licensing Team before a licence will be issued.

## 6.25 CHANGES

6.25.1 Any change of circumstance affecting this vehicle licence must be notified within 7 days of such change to the Licensing Team.

6.25.2 When the holder of a vehicle licence wishes to transfer the licence to another person, they must notify the Licensing Team by completing the appropriate application form, before such change takes place. Failure to do so is likely to result in the refusal to renew the licence.

## 6.26 INSPECTION



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

## **6.27 UNAUTHORISED USE**

6.27.1 The proprietor of a Private Hire vehicle or Hackney Carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current Private Hire vehicle or Hackney Carriage driver's licence, as appropriate, issued by Mid Suffolk District Council in respect of Mid Suffolk licensed vehicles or Babergh District Council in respect of Babergh licensed vehicles.

## **6.28 ACCIDENT REPORTING**

6.28.1 If any licensed vehicle is involved in an accident, this must be reported to the Licensing Team within 48 hours of the incident.

6.28.2 Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use. A Licensing Officer may suspend the use of a licensed vehicle until it is suitably repaired to the Licensing Officer's satisfaction.

6.28.3 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle provided:

- The damage to, or defect in, the vehicle has been reported;
- Application is made in the usual way for a change of vehicle (albeit temporarily);
- The replacement vehicle meets the Council's licensing criteria and is suitable to be used for hire purposes;
- The hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

## **6.29 SATELLITE NAVIGATION**

### **HACKNEY CARRIAGE**

6.29.1 If the proprietor of a Hackney Carriage has affixed within the carriage a satellite navigation system it must be of a type suitable for UK roads.

6.29.2 The satellite navigation system must be fitted in such a position that it does not obstruct the drivers view or in such a way as to distract the driver's concentration from the road.

6.29.3 The proprietor of a Hackney Carriage is required to keep the satellite navigation system updated with the latest maps at all times.

### **PRIVATE HIRE VEHICLE**

6.29.4 Where a Private Hire vehicle has been fitted with a satellite navigation system of a type suitable for UK roads (UK mapping) it must comply with the requirements of 6.29.1 and 6.29.3 above.

## **6.30 MISCELLANEOUS**

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

6.30.2 The driver of the licensed vehicle shall not, unless given the express consent of the hirer, eat or drink in the licensed vehicle. This condition shall not apply to any consumption where there are relevant medical grounds (for example diabetic control). The driver is expected to exercise due care and attention at all times whilst undertaking their duties.

6.30.3 Having due regard to environmental considerations the Council strongly recommend that all proprietors of vehicles shall ensure drivers do not leave the engine of the vehicle running for any significant length of time whilst awaiting a booking. It should be noted that powers are available to the Council to make byelaws that may incorporate such matters.

## **6.31 DISPENSATION/ VARIATION**

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

## **7 ADDITIONAL CONDITIONS FOR PRIVATE HIRE VEHICLE LIMOUSINES**

### **7.1 GENERAL INFORMATION**

7.1.1 Stretched limousines shall comply with the existing conditions of licence applicable to all licensed private hire vehicles (above) in so far as they are not superseded by these additional conditions.

### **7.2 TYPES OF VEHICLES**

7.2.1 The vehicle must have one of the following:

- A UK Individual Vehicle Approval Certificate;
- A European Whole Vehicle Approval Certificate;
- UK Low Volume Type Approval Certificate.

### **7.3 VEHICLE AND SAFETY EQUIPMENT**

7.3.1 The proprietor of a vehicle shall:-

- Provide one efficient fire extinguisher in addition to the extinguisher required to comply with the standard Vehicle Conditions of Licence applicable to all licensed Private Hire vehicles. One fire extinguisher should be mounted on brackets, in a convenient position in the driver's compartment, if practical. The other should be similarly mounted within the boot of the vehicle, so as to be readily available at all times;
- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe, and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction and Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance are rectified;
- Ensure that loose luggage is not carried within the passenger compartment of the vehicle;
- Ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council; and
- Display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.

7.3.2 Vehicles may be left or right-hand drive providing that they have proof of full DFT vehicle type approval.

7.3.3 The passenger compartment of the vehicle may be fitted with darkened or blackened glass.

7.3.4 Vehicles must be supplied with a safety hammer, capable of being used to break the glass of the vehicle, which is securely located in the driver's compartment.



- 7.3.5 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.
- 7.3.6 The use of fog machines, lasers, fibre optics, disco balls and jacuzzis should comply with relevant Health and Safety regulations and should not be used in a manner which is likely to distract the private hire vehicle driver or other road users.
- 7.3.7 Where strobe lights are to be used, those hiring the vehicle should be verbally notified in advance and the person making the booking notified, both verbally and in writing. Strobe lighting should not be used/be turned off if so requested. Use should comply with relevant Health and Safety regulations and should not be used in a manner, which is likely to distract the private hire vehicle driver or other road users.

## 7.4 USE OF VEHICLE

- 7.4.1 The vehicle shall not be used for every day Private Hire Vehicle use.
- 7.4.2 The proprietor of the vehicle shall:-
- That the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by the Council. The same Council which issued the Vehicle Licence.
  - That no more than the number of persons for which the vehicle is licensed shall be conveyed within the vehicle;
  - Not convey any passengers in the front compartment of the vehicle;
  - Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence under the Licensing Act 2003, permitting the sale or supply of the same;
  - Provide sufficient means by which any person in the Private Hire vehicle may communicate with the driver during the course of hiring;
  - Ensure the interior of the vehicle is kept wind and watertight;
  - Ensure any necessary windows and means of opening and closing will have at least one window on each side of the passenger compartment;
  - Ensure that there are at least two doors for the use of persons conveyed within the vehicle and separate means of entry and exit for the driver;
  - Ensure the seats in the passenger compartment are properly cushioned and covered; and
  - Ensure the floor in the passenger compartment is provided with a proper carpet, mat or other suitable covering.
- 7.4.3 Where occupants in the vehicle are under the age of 16, a responsible adult other than the driver must accompany them.

## 7.5 VEHICLE IDENTIFICATION DISCS

- 7.5.1 Private hire vehicle limousines will not be required to display on the rear of the vehicle the external private hire vehicle licence plate which must normally be displayed by licensed private hire vehicles. The proprietor of the vehicle will be issued, by the Council, with two licence discs (an external private hire vehicle licence plate will also be issued see below), which identify the vehicle as a private hire vehicle on which will be displayed the registration number of that vehicle and the number of passengers permitted to be carried (Known as Private Hire Limousine Vehicle Disc).

7.5.2 The proprietor shall ensure that:-

- The external Private Hire vehicle licence plate complies with 6.14.4 and 6.14.5 above in vehicle specifications;
- No Private Hire Limousine Vehicle Disc/Plate shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle disc(s)/plate shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle discs/plate and licence to the Council within seven days.

## 7.6 SIGNS, NOTICES, ETC

- 7.6.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council. Failure to obtain such express consent may render the vehicle's licence liable to immediate suspension.
- 7.6.2 No media (e.g. music, videos etc) shall be presented that, given its age classification or content, is unsuitable for the age of passengers in the vehicle.

## 7.7 INSURANCE/MOT TEST CERTIFICATE

- 7.7.1 The vehicle must not be used to carry passengers for Private Hire special events unless there is in force for the vehicle:
- A current Certificate of Compliance test certificate;
  - A policy of insurance covering the use of the vehicle for Private Hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed Private Hire Limousine Vehicle Drivers who drive the vehicle are covered.
- 7.7.2 These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.
- 7.7.3 The proprietor shall deposit a valid and current copy of the Certificate of Compliance Test Certificate and Certificate of Insurance, or cover note with the Operator before the vehicle is used to accept bookings provided by the Operator.
- 7.7.4 If the insurance cover on the vehicle is cancelled, expires, or fails to cover the use to which the vehicle is being put, the Licensing Officer shall be informed immediately, and the vehicle shall not be used until appropriate cover is obtained.

## 7.8 DEPOSIT OF LICENCES

- 7.8.1 If the proprietor permits or employs any other person to drive his Private Hire Vehicle Limousine, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Private Hire Vehicle Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.
- 7.8.2 The proprietor of the vehicle will deposit within five working days, a copy of the Private Hire Limousine Vehicle licence with the Operator before any bookings are accepted.
- 7.8.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

## 7.9 VEHICLE TESTING

7.9.1 A Private Hire Vehicle Limousine will be subject to twice-yearly mechanical examination at intervals to be specified by the Council, at its authorised testing station.

## 7.10 GENERAL CONDITIONS

7.10.1 All Operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer. This is in accordance with the restriction on Licensing Authorities that they may not licence vehicles with more than 8 seats.

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

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

### 8.1 GENERAL INFORMATION

8.1.1 Special Event Vehicles (namely Fire Engines only) shall comply with the existing conditions applicable to all licensed Private Hire vehicles contained within Vehicle Specifications of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy, in so far as they are not superseded by these additional conditions.

### 8.2 TYPES OF VEHICLES

8.2.1 The vehicle must have one of the following:

- A UK Single Vehicle Approval Certificate;
- A European Whole Vehicle Approval Certificate;
- UK Low Volume Type Approval Certificate;

### 8.3 VEHICLE AND SAFETY EQUIPMENT

8.3.1 The proprietor of a vehicle shall:-

- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe, and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction and Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance are rectified;
- Ensure that loose luggage is not carried within the passenger compartment of the vehicle;
- Ensure that any CCTV cameras installed in the vehicle have received prior written approval from the Council; and
- Display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.

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

8.3.3 The use of fog machines, lasers, fibre optics, disco balls and jacuzzis should comply with relevant Health and Safety regulations and should not be used in a manner which is likely to distract the private hire vehicle driver or other road users.

8.3.4 Where strobe lights are to be used, those hiring the vehicle should be verbally notified in advance and the person making the booking notified, both verbally and in writing. Strobe lighting should not be used/be turned off if so requested. Use should comply with relevant Health and Safety regulations and should not be used in a manner, which is likely to distract the private hire vehicle driver or other road users.

## 8.4 USE OF VEHICLE

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

8.4.2 The proprietor of the vehicle shall ensure:-

- That drivers and passengers conveyed within the vehicle do not impersonate or give reason to anyone to believe that they are employees of any Fire and Rescue Service;
- That drivers and passengers conveyed within the vehicle wear any uniform that this should be distinguishable from that worn by any Fire and Rescue Service staff;
- That Blue Lights or Two Tones are not permitted to be used.
- That the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by the Council. The same Council which issued the Vehicle Licence.
- That the driver is holds a DVLA driving licence authorising them to drive a car category B, they are also required to hold a category C1 and category C as a full licence holder;
- That no more than the number of persons for which the vehicle is licensed shall be conveyed within the vehicle;
- Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence under the Licensing Act 2003, permitting the sale or supply of the same;
- Provide sufficient means by which any person in the Private Hire vehicle may communicate with the driver during the course of hiring;
- The interior of the vehicle is kept wind and watertight;
- Any necessary windows and means of opening and closing will have at least one window on each side of the passenger compartment;
- The seats in the passenger compartment are properly cushioned and covered; and
- The floor in the passenger compartment is provided with a proper carpet, mat or other suitable covering.

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

## 8.5 VEHICLE IDENTIFICATION PLATES AND DISCS

8.5.1 The proprietor of the vehicle will be issued, by the Council, with two licence discs (an external special event private hire vehicle licence plate will also be issued, see below), which identify the vehicle as a special event private hire vehicle upon which will be displayed the registration number of that vehicle and the number of passengers permitted to be carried (Known as Special Event Private Hire Vehicle Disc).

8.5.2 The proprietor shall ensure that:-

- One Special Event Private Hire Vehicle Disc must be displayed on the top left-hand corner of the front windscreen in a conspicuous position where it can be clearly seen from the outside of the vehicle and all wording and lettering contained thereon can be read. The other identification disc shall be fixed inside the vehicle in such a position (such as the bulkhead or security screen) so as to be visible to persons conveyed therein;
- The external special event private hire vehicle licence plate is to be fixed and displayed on the Authorised Vehicle at all times whilst licensed as a Special Events Private Hire Vehicle (there will be no exemptions permitted under vehicle specifications 6.14.4 and 6.14.5 above) and is to be fitted in the centre or the off side of the rear exterior of the vehicle on either the rear bumper or by using the approved bracket. (Please note that a plate must not be fitted to the near side of the vehicle).
- The external special event private hire vehicle licence plate shall be black and gold in colour containing the words Special Event Private Hire Vehicle.
- No Special Event Private Hire Vehicle Disc/Plate shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle disc(s)/plate shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle discs/plate and licence to the Council within seven days.

## 8.6 SIGNS, NOTICES, ETC

- 8.6.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council. Failure to obtain such express consent may render the vehicle's licence liable to immediate suspension.
- 8.6.2 No media shall be supplied that, given its age classification or content is unsuitable for the age of passengers in the vehicle.
- 8.6.3 Strictly no signage or insignia (e.g., crest badge, station name etc) to be used on the appliance as to infer that the vehicle is part of any Fire and Rescue Service.
- 8.6.4 The front driver and passenger doors must display a sign in 10cm high black capital letters bearing "This vehicle is only available for use by pre-booking".

## 8.7 INSURANCE/MOT TEST CERTIFICATE

- 8.7.1 The vehicle must not be used to carry passengers for Private Hire special events unless there is in force for the vehicle:
- A current Certificate of Compliance test certificate;
  - A policy of insurance covering the use of the vehicle for Private Hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed Special Event Private Hire Vehicle Drivers who drive the vehicle are named.
- 8.7.2 These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.
- 8.7.3 The proprietor shall deposit a valid and current copy of the Certificate of Compliance Test Certificate and Certificate of Insurance or cover note with the Operator before the vehicle is used to accept bookings provided by the Operator.
- 8.7.4 If the insurance cover on the vehicle is cancelled, expires, or fails to cover the use to which the vehicle is being put, the Licensing Officer shall be informed immediately, and the vehicle shall not be used until appropriate cover is obtained.

## **8.8 DEPOSIT OF LICENCES**

- 8.8.1 If the proprietor permits or employs any other person to drive his Special Event Private Hire Vehicle, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Private Hire Vehicle Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.
- 8.8.2 The proprietor of the vehicle will deposit within five working days, a copy of the Special Event Private Hire Vehicle licence with the Operator before any bookings are accepted.
- 8.8.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

## **8.9 VEHICLE TESTING**

- 8.9.1 A Special Event Private Hire Vehicle will be subject to twice-yearly mechanical examination at intervals to be specified by the Council, at an authorised testing station.

## **8.10 GENERAL CONDITIONS**

- 8.10.1 All Operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers (or such number as stated on the vehicle plate and disc) and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer. This is in accordance with the restriction on Licensing Authorities that they may not licence vehicles with more than 8 seats.

## **8.11 TRAILERS**

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

# **9 VEHICLE LICENCES: APPLICATION PROCEDURES – (HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE**

## **9.1 GENERAL INFORMATION**

- 9.1.1 The following processes/procedures detail how to licence a Hackney Carriage or Private Hire Vehicle and Vehicle Licence Renewal.
- 9.1.2 To licence a vehicle within either the relevant district Council area you must first decide whether the vehicle that you are going to drive is to be a Hackney Carriage or Private Hire Vehicle.
- 9.1.3 These licences are issued under an Act of Parliament called the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (for Hackney Carriages only) and is referred to as a vehicle licence. To obtain a vehicle licence the vehicle must comply with the Council's Policy and undergo tests and checks so that the Council can determine your application fairly and consistently.
- 9.1.4 The following checks and testing will apply:
- Vehicle testing
  - Vehicle registration documents
  - Intended use of the vehicle
  - Insurance certificate
  - MOT certificate (after one year from date of registration for Hackney carriages, thereafter annually. After three years of registration for Private Hire Vehicles and thereafter annually).
  - Vehicle Road Tax
  - Basic Disclosure (where the applicant is not a licensed driver or licensed operator)

- Meter Test Certificate
- Radio equipment licence.

## 9.2 VEHICLE APPLICATION PROCEDURES

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

9.2.2 Applications for Hackney Carriage and Private Hire Vehicle Licences are not limited and may be made at any time of the year. To drive either a Hackney Carriage or Private Hire Vehicle licensed by Babergh District Council or Mid Suffolk District Council the driver must hold an appropriate driver's licence by the relevant District Council.

9.2.3 Applications are to be made on the prescribed application form.

9.2.4 Documentation, which **MUST** accompany the application form.

- **REGISTRATION BOOK** (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s) thereof);
- **INSURANCE CERTIFICATE (showing the appropriate wording for the vehicle (hire and reward, public hire or private hire) –** (if a cover note, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note), this is also to include Insurers Policy book and details of Third-Party Liability Cover;
- **BASIC DISCLOSURE CERTIFICATE –** where the applicant for the vehicle licence is not a licensed driver with the Council, they will require a basic disclosure certificate to be obtained and provided to the Council on an annual basis.
- **MOT CERTIFICATE –** the Licensing Team will check this on-line
- **VEHICLE TAX –** the Licensing Team will check this on-line
- **RADIO EQUIPMENT LICENCE from OFCOM –** (For further details contact Ofcom regarding what radio equipment needs to be licensed (as per vehicle specifications 6.17.4 above CB transmitters or receivers are not permitted)).

9.2.5 For new vehicles sight will be required of the vehicles Vehicle Registration Document (Vehicle Registration Document will also be required at renewal) or a Bill of Sale (Full Vehicle Registration Documents will be required once issued by DVLA in applicants name).

9.2.6 In every application, the name and address shall be given of:

- The person applying for a licence; and
- Every proprietor or part proprietor of the vehicle; or
- Any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of the vehicle.

## 9.3 PROPRIETOR REQUISITION DECLARATION (NOTE THIS WILL FORM PART OF THE APPLICATION FORM)

9.3.1 Before a Hackney Carriage/Private Hire vehicle licence is granted, a Proprietor Requisition Declaration shall be made and signed by the proprietor or one of the proprietors of the Hackney Carriage/Private Hire vehicle in respect of which such licence is applied for.

## 9.4 VEHICLE TESTING

9.4.1 Vehicles will be required to undertake an inspection at one of the Council's approved vehicle testing centres before a licence shall be granted.



- 9.4.2 Owners of vehicles will be subject to a re-charge fee if the vehicle is required to undertake either a 6-monthly check or a safety complaint regarding the continued fitness of the vehicle is received before the next annual inspection is due.
- 9.4.3 When a vehicle is successfully tested it should be licensed with the Council as soon as practical.
- 9.4.4 Any applicant who omits the name of the owner or part owner of the vehicle who is responsible for keeping, employing or letting of the vehicle shall be liable to a penalty.
- 9.4.5 For renewals only we will endeavour to send a reminder approximately four weeks before your annual declaration is due (You are reminded that this is a courtesy service. It is your responsibility to ensure your declaration is submitted in a timely manner).

## 9.5 TAXI RANKS

- 9.5.1 Each Council has appointed ranks, as indicated below, for Hackney Carriages on the public highway.
- 9.5.2 The use of Hackney Carriage stand/rank is kept under review and may be discontinued in individual instances where a particular stand/rank has fallen into disuse. Conversely, the Council will consider the creation of new stands/ranks where there is a perceived need. Everyone who wishes the Council to consider the creation of new stands/ranks must write to the Licensing Team, at the address set out at the beginning of this document, giving full details of the proposed location(s), and explaining their reasons in full.

### TAXI RANKS IN THE BABERGH DISTRICT COUNCIL AREA

LOCATION OF RANK	NUMBER OF VEHICLES	TIME RESTRICTION
<b>EAST STREET, SUDBURY</b>	4	NONE
<b>OLD MARKET PLACE, SUDBURY</b>	4	NONE
<b>SUDBURY RAILWAY STATION</b>	2	NONE

### TAXI RANKS IN THE MID SUFFOLK DISTRICT COUNCIL AREA

LOCATION OF RANK	NUMBER OF VEHICLES	TIME RESTRICTION
<b>MARKET PLACE, STOWMARKET</b>	3	NONE
<b>REGAL THEATRE CAR PARK, IPSWICH STREET, STOWMARKET</b>	2	NONE

## PART 3: PRIVATE HIRE OPERATOR POLICY

### 10. GENERAL INFORMATION

#### 10.1 GENERAL INFORMATION



- 10.1.1 The Authority will not grant a Private Hire Vehicle (PHV) operator's licence for an operator with an operating base that is outside of the district area. This is to ensure that proper regulation and enforcement measures may be taken by the Authority and is in no way intended to be a restraint of trade.
- 10.1.2 The following processes/procedures are for a Private Hire Operator and Operators licence renewal.
- 10.1.3 For renewals only the team will endeavour to send a reminder approximately four weeks before an annual declaration is due. This is a courtesy service. It is the licence holder's responsibility to ensure their declaration is submitted in a timely manner.
- 10.1.4 To become a Private Hire Operator within the District an applicant will need to obtain a licence from the Council. The licence is issued under the Local Government (Miscellaneous Provisions) Act 1976 and is referred to as an operator's licence.
- 10.1.5 To obtain a licence the Council must determine whether the applicant is a 'fit and proper person' and whether the location intended to be used as the base is suitable. This involves a series of checks being carried out with various organisations so that the Council can determine the application fairly and consistently.
- 10.1.6 From the 4 April 2022 all applicants for a Private Hire Operators licence will need to carry out a tax check. The Licensing team will be required to obtain confirmation from HMRC that the applicant has completed the check before being able to consider the application.

## 10.2 NEW PRIVATE HIRE VEHICLE OPERATORS' APPLICATION PROCEDURES

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

### **FOR NON-DRIVER OPERATORS (including all partners and company directors)**

- 10.2.2 Applicants will be required to undergo a basic disclosure and barring service check with the Disclosure & Barring Service.
- 10.2.3 Applicants are required to undertake the BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver. This training is to be carried out at the applicants expense and a pass certificate presented to the Council prior to acquiring a Private Hire Operators Licence.
- 10.2.4 The applicant will be required to pass a knowledge test. This will demonstrate whether the applicant has adequate knowledge of the legislation and licensing requirements.
- 10.2.5 After all checks/tests have been carried out and are satisfactory applicants must complete the appropriate application form giving all the necessary/applicable information as set out below, accompanied by the required documents and appropriate fee.
- 10.2.6 In every application, the name and surname and place of abode shall be given of:
- The person applying for a licence
  - Only one Operating name is allowed.
  - A copy of planning permission obtained for the use of the premises as a Private Hire Vehicle Operation (where applicable)
  - Certificate from Ofcom for Radio System, and details of frequencies used (where applicable)
  - Details of all telephone numbers intended to be used for bookings and the address to which each one relates.
  - Applications are to be made on the prescribed application form.
  - A list of all drivers and vehicles operated by you (see prescribed application form).

- In the absence of the Operator, the Name(s) and Address(es) of the Managers who will assume control of the booking of Private Hire Vehicle Drivers and Vehicles.
- A copy of the Company Policy in relation to the carriage of passengers accompanied by Guide or Hearing Dogs, those with Disabilities and Safeguarding of Children and vulnerable persons.
- A copy of the Certificate of Company Registration where applicable.
- Operators' Public Liability Insurance (for offices where the public have access)

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

### **FOR DRIVER OPERATORS**

10.2.8 All relevant checks will have been undertaken at the driver application stage. Applicants must complete the appropriate application form giving all the necessary/applicable information as set out below, accompanied by the required documents and appropriate fee.

10.2.9 In every application, the name and surname and place of abode shall be given of:

- The person applying for a licence
- Only one Operating name is allowed.
- A copy of planning permission obtained for the use of the premises as a Private Hire Vehicle Operation (where applicable)
- Certificate from Ofcom for Radio System, and details of frequencies used (where applicable)
- Details of all telephone numbers intended to be used for bookings and the address to which each one relates.
- Applications are to be made on the prescribed application form.
- A list of all drivers and vehicles operated by you (see prescribed application form).
- In the absence of the Operator, the Name(s) and Address(es) of the Managers who will assume control of the booking of Private Hire Vehicle Drivers and Vehicles.
- A copy of the Company Policy in relation to the carriage of passengers accompanied by Guide or Hearing Dogs, those with Disabilities and Safeguarding of Children and vulnerable persons.
- A copy of the Certificate of Company Registration where applicable.
- Operators' Public Liability Insurance (for offices where the public have access)

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

## **10.3 FOREIGN NATIONALS**

10.3.1 Applicants born outside of the UK and resident in the UK for less than 5 years, who are not a British Citizen will need to provide to the Council a Certificate of Good Conduct which details if the applicant has a criminal record in their own country. This certificate can be obtained from the Embassy, Consulate or High Commission of the Country. If these certificates cannot be obtained in English, they must be translated by an official translator who will be expected to sign a declaration that to the best of their knowledge the information is correct.

10.3.2 A DBS check will also be undertaken along with a Home Office referral to ascertain if the applicant has the right to work within the UK. Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

## **10.4 PRIVATE HIRE VEHICLE OPERATORS' ANNUAL DECLARATION PROCEDURE**

10.4.1 The Licensing Team will endeavour to send a reminder approximately four weeks before an annual declaration is due. This is a courtesy service. It is the licence holder's responsibility to ensure the declaration is submitted in a timely manner. Should the licence holder let their licence expire they will need to begin the process again as a New Applicant.

10.4.2 The Applicant will need to provide the following documentation:

- In every application, the name and surname and place of abode shall be given of:
  - The person applying for a licence
- Only one Operating name is allowed.
- Details of all telephone numbers intended to be used to invite bookings and addresses to which one relates i.e. the first point of reception for each call.
- Applications are to be made on the prescribed application form
- A list of all drivers and vehicles operated by you (see prescribed application form).
- Operators' Public Liability Insurance (for offices where the public have access)
- A sample of log book/records of journeys undertaken during the last 12 months.

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

## **10.5 DISCLOSURE AND BARRING SERVICE (DBS) CHECK**

10.5.1 The renewal Applicant will be required to undertake an annual Basic DBS check or as required.

10.5.2 When the applicant is required to undergo a DBS check the Licensing Team will write to them. This will be required before any renewal of a licence is considered. Any conviction shown on the DBS check which has not been notified to the Council will result in a Disciplinary Hearing.

## **11 CONDITIONS OF PRIVATE HIRE OPERATOR LICENCE**

### **11.1 RECORD KEEPING**

11.1.1 The records required to be kept by the Operator under Section 56(2) and 56(3) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable format. The Operator shall record before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted by them:

- (i) the time and date of the booking;
- (ii) the name and address of the hirer;
- (iii) how the booking was made (i.e., by telephone, e-mail, or personal call);
- (iv) the time of pick-up;
- (v) the point of pick-up;
- (vi) the destination;
- (vii) the time at which a driver was allocated to the booking;
- (viii) the registration number of the vehicle allocated for the booking;
- (ix) remarks (including details of any sub-contract or fare quoted at time of booking);
- (x) the name or appropriate identifier (licence number) of the driver allocated to the booking.
- (xi) the name of individual that responded to the request.
- (xii) the name of the individual that dispatched the vehicle.

11.1.2 The Operator shall also keep records of the particulars of all Private Hire vehicles operated by them, which shall include details of the owners, registration numbers, plate number, number of seats for passenger, insurance details and drivers of such vehicles.

11.1.3 All records kept by the Operator shall be preserved at the operator address as identified in the licence, for a period of not less than 5 years following the date of the last entry and shall be produced promptly upon request to any authorised Officer of the Council or to a Police Officer.

### **11.2 INTERNET BOOKINGS AND MOBILE PHONE DIVERSIONS**

11.2.1 Where on-line bookings are invited or accepted the point of booking shall be at a computer physically located at the operator base address as identified in the operator licence. Where telephone bookings are made to a landline or virtual (VOIP) number which diverts to a mobile phone away from the bookings office, or the booking is made by text message, the booking must be recorded in the bookings log as soon as practicable.

11.2.2 Conditions relating to the use of a mobile telephone app for operators will be introduced and included in this policy at a later date.

### 11.3 DRIVER BOOKINGS

11.3.1 The operator shall keep records of the particulars of all drivers of private hire vehicles operated by them pursuant to section 56 (3) of the 1976 Act such details to include the following particulars, namely:

- Details as to the drivers of the vehicles, and their call signs
- Details of when any new driver begins service
- Details of when any driver's service ceases
- Details of any change of address of any driver in service
- If he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties, details of that information
- Expiry dates of driver's badges and vehicle licences

11.3.2 All records maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any authorised officer.

### 11.4 STANDARD OF SERVICE

11.4.1 The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- (a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed by unforeseen circumstances or prevented by sufficient cause, punctually attend at that appointed time and place;
- (b) keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting;
- (c) put in place and maintain an adequate public liability insurance policy for premises that are open to the public;
- (d) ensure that any waiting area provided by the Operator has adequate seating facilities;
- (e) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
- (f) ensure that drivers and controllers are advised to act in a helpful, polite, and professional manner at all times whilst undertaking their duties.

### 11.5 CITIZEN BAND RADIO

11.5.1 The Operator shall not cause or permit any Citizen Band (CB) radio to be used for or in connection with the hiring of a private hire vehicle, nor shall any radio scanning equipment be so used.

### 11.6 CHANGE OF CIRCUMSTANCES

11.6.1 The Operator shall notify the Council in writing of any change affecting the operator's licence including change of drivers, vehicles, and address (including any address from which they operate or otherwise conducts their business as an Operator) also change of any directors or partners involved in the business, as soon as possible and in any event within 7 days of the change taking place.

### 11.7 DISCLOSURE OF CONVICTIONS, CAUTIONS AND DISCHARGES

11.7.1 The Operator shall disclose in writing to the Council details of any such conviction, caution, charges, or fixed penalty being imposed upon them within 48 hours. If the operator is a Company or Partnership this requirement shall apply, if any directors or partners received any such conviction, caution, charges or fixed penalty. It should be noted that the Police may notify the Council of relevant information or convictions in accordance with the Police Common Law Disclosures Scheme.

## 11.8 HIRINGS CHARGE

11.8.1 The Operator of a licensed private hire vehicle shall not invite or accept a booking for such vehicle or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of the charge for the hire of the vehicle.

## 11.9 CODE OF CONDUCT

11.9.1 The operator shall have in place a code of conduct policy for their drivers, which must be regularly reviewed and be in addition to the conditions contained within this policy, which shall be made available to fare-paying passengers, any authorised officer of the Council or any Police Officer.

## 11.10 ADVERTISING OF PRIVATE HIRE SERVICES

11.10.1 The holder of an Operator's Licence shall not cause or permit any advertising of private hire services to be made in such manner or form of words that is likely to indicate to a member of the travelling public that a private hire vehicle may be available for immediate hire without prior booking. Therefore, such advertising (including cards, notices, and websites) shall not contain such words as 'taxi', 'cab' or similar.

11.10.2 The operator shall disclose to the Council any website used to advertise the operation.

## 11.11 PARKING OF LICENSED PRIVATE HIRE VEHICLES

11.11.1 The Operator shall ensure that all drivers of licensed private hire vehicle(s) operating under their control are advised to:

- (a) Not park in such manner or location so as to cause significant traffic congestion to the detriment of local residents, amenities or general passenger traffic;
- (b) Not park so as to form a rank of vehicles, that may cause a member of the travelling public to interpret a private hire vehicle as being available for immediate hire without any prior booking being made;
- (c) Not park in such manner or location so as to be in contravention of any applicable laws or regulations; and
- (d) Not sound the horn of the vehicle to alert a pre-booked passenger to the arrival of the vehicle, when in a built up area between the hours of 11:30pm and 7:00am, or where such use would be contrary to rule 92 of the Highway Code.

11.11.2 Having due regard to environmental considerations the Council strongly recommend that the Operator advises all drivers of his licensed vehicle(s) to not leave the engine of the vehicle running for any significant length of time whilst awaiting a booking. It should be noted that powers are available to the Council to make byelaws that may incorporate such matters.

## 11.12 PRIVATE HIRE DRIVER'S LICENCE

11.12.1 The operator shall satisfy themselves that every driver engaged by them has acquired a Private Hire driver's licence and has a badge issued by the Licensing Team. The operator shall request a copy of the paper counterpart of the licence from each driver.

## 11.13 COMPANY POLICY FOR DRIVERS/STAFF

11.13.1 The operator shall have in place a company policy relating to:

- The carriage of passengers accompanied by guide/hearing or assistance dogs
- The carriage of passengers with Disabilities and Safeguarding children and vulnerable persons. This policy should be in line with the requirements under the Equality Act 2010 and any disabled or vulnerable passenger **must not** be charged extra for their journey's.
- Smoking and the law (operators must provide training of all staff and drivers detailing what their responsibilities are)
- Standards of service expected from all staff and drivers.

11.13.2 Operators shall provide and maintain a policy on the employment of staff with convictions for offences as detailed in condition 2.3 to 2.14 of the driver application requirement. This will determine the suitability of all staff employed by the operator.

11.13.3 The policy must be regularly reviewed and shall be made available upon request to fare-paying passengers or any authorised officer of the Council or any Police Officer.

## 11.14 COMPLAINTS

11.14.1 The operator shall notify the Licensing Authority within 7 days in writing of any complaints concerning a contract for hire arising from their business, such notification to include the action taken or proposed as a result of the complaint.

## 11.15 BOOKING AND DISPATCH STAFF

11.15.1 All operators shall be required to produce and keep updated a register of all staff that will take bookings and or dispatch vehicles.

11.15.2 Operators shall be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register.

11.15.3 DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

11.15.4 Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

## 11.16 DATA PROTECTION

11.16.1 Private Hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.