

BABERGH AND MID SUFFOLK HACKNEY
CARRIAGE AND PRIVATE HIRE
LICENSING POLICY

CONTENTS

1. Introduction and Role of Licensing	2
2. Hackney Carriage and Private Hire Drivers	9
3. Hackney Carriage and Private Hire Vehicles	17
4. Private Hire Operators	26
5. Compliance and Enforcement	32
Appendix A – Driver Standards and Conditions	37
Appendix B – Hackney Carriage Vehicle Specifications and Conditions	47
Appendix C – Private Hire Vehicle Specifications	56
Appendix D – Specialty Vehicle and Limousine Conditions	65
Appendix E – Horse Drawn Conditions	68
Appendix F – Licensed Private Hire Operator Conditions	73
Appendix G – Convictions Policy	79
Appendix H – Penalty Points Scheme	88

1. INTRODUCTION AND ROLE OF LICENSING

1.1. Purpose

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

1.2. Policy Aim

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

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

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

This Council aims to achieve this by:

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

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

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

- Pre-Licensing Standards and conditions for
 - Drivers
 - Hackney Carriage Vehicles
 - Private Hire Vehicles
 - Operators

- Conviction Policy
- Penalty Point Scheme
- Exemption Policy
- Specialty Vehicles
- Horse Drawn Vehicles

1.3. Consultation

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

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

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

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

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

1.4. Licensing Process and Delegated Functions

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

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

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

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

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

1.5. Relevant Legislation and Definitions

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

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

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

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

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

1.6. Fees

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

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

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

1.7. Partnership Working and Information Sharing

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

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

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

1.8. National Register of Refusals and Revocation (NR3)

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

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

1.9. Enforcement

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

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

The principles of enforcement are:

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

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

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

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

1.10. Fit and Proper Person

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

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

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

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

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

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

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

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

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

1.11. Safeguarding

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

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

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

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

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

2. HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS

2.1. General

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

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

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

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

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

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

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

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

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

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

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

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

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

2.2 Eligibility to Live and Work in the UK

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

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

copies will be made and retained on file.

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

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

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

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

2.3 DVLA

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

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

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

2.4 Disclosure Barring Service

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

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

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

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

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

2.5 Overseas Criminal Record Check

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

2.6 Driver Medicals

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

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

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

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

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

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

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

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

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

2.7 Driving Proficiency Test

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

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

2.8 Competency Test and English Language Proficiency

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

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

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

2.9 Tax Conditionality

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

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

2.10 Safeguarding

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

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

2.11 Dress Code

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

2.12 Carriage of Assistance Dogs

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

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

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

driver's licence.

2.13 Conditions

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

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

2.14 Penalty Point Scheme

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

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

2.15 Complaints

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

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

2.16 Surrender of Drivers badge

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

current investigation and/or legal proceedings.

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

DRAFT NOT FOR CONSULTATION

3 HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

3.1 General

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

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

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

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

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

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

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

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

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

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

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

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

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

3.2 Suitability of Applicants

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

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

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

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

Safeguarding training is also compulsory for all drivers and operators.

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

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

3.3 Appearance

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

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

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

3.4 Emissions Standards

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

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

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

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

3.5 CCTV

CCTV in licensing vehicles is not currently a mandatory requirement.

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

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

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

3.6 Insurance

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

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

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

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

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

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

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

3.7 Smoking

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

3.8 Advertising

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

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

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

3.9 Safety Screens

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

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

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

3.10 Vehicle Testing and Inspections

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

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

3.11 Accidents

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

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

3.12 Hackney Carriage Fares and Taxi meters

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

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

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

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

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

Hackney Carriage fares will be reviewed on an annual basis.

3.13 Private Hire Fares and Charges

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

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

3.14 Accessibility

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

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

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

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

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

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

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

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

3.15 Executive Hire

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

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

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

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

3.16 Specialty Vehicles and Limousines

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

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

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

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

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

3.17 Horse Drawn

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

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

3.18 Tuk-Tuks and Pedicabs

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

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

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

4 PRIVATE HIRE OPERATORS

4.1 General

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

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

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

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

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

4.2 Fit and Proper Test

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

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

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

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

4.3 Criminality Checks for Private Hire Operators

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

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

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

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

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

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

4.4 Tax Conditionality

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

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

4.5 Safeguarding

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

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

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

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

4.6 Private Hire Operator Licensing Conditions

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

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

4.7 Insurance

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

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

4.8 Record keeping

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

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

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

4.9 Cross Border Hiring

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

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

4.10 Sub-Contracting

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

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

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

4.11 Approval of Private Hire Company Name

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

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

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

4.12 Suitability of Premises

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

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

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

DRAFT NOT FOR CONSULTATION

5 COMPLIANCE AND ENFORCEMENT

5.1 Enforcement Policy

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

The main purpose of licensing enforcement is to:

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

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

5.2 Statutory Framework

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

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

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

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

5.3 Complaints about hackney carriage and private hire

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

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

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

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

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

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

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

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

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

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

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

5.4 Refusal to grant a licence.

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

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

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

5.5 Suspension or revocation of licenses

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

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

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

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

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

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

5.6 Prosecutions of licence holders and non licence holders

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

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

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

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

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

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

5.7 Appeals

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

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

There are some exceptions to the above:

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

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

DRAFT NOT FOR CONSULTATION

APPENDIX A – DRIVER STANDARDS AND CONDITIONS

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

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

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

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

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

Pre-Licensing Standards

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

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

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

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

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

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

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

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

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

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

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

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

Driver Conditions

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

A – Licensing Administration

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

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

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

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

B – Convictions and Suitability

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

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

C – Medicals

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

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

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

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

D – Driver Conduct

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D15: Not drive whilst under the influence of alcohol.

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

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

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

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

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

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

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

E – Insurance:

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

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

F – Seatbelts/Child Seats:

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

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

G – Dress Code

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

Clothing not permitted:

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

H – Fares and Journeys

H1: Provide written receipts on request.

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

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

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

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

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

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

H8: Stop or park the vehicle considerately and legally.

I – The Carriage of Animals

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

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

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

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

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

I – Equality Act 2010

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

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

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

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

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

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

J – Found Property

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

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

DRAFT NOT FOR CONSULTATION

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

52

Version XX.0

25/1/24

Presented by: Babergh and Mid Suffolk Licensing Team

Effective from xxx 2024 to xxx 2029

APPENDIX B – HACKNEY CARRIAGE VEHICLE SPECIFICATIONS AND CONDITIONS

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

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

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

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

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

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

Pre-Licensing Standards

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

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

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

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

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

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

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

Vehicle Conditions

A – Administration

The vehicle licence holder shall:

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

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

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

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

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

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

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

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

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

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

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

B – Condition of the Vehicle

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

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

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

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

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

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

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

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

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

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

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

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

C – Wheels and Tyres

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

D – Vehicle Testing

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

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

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

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

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

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

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

E – Licence Identification Plates

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

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

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

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

F – Taximeters

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

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

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

F4: When the meter is operating there shall be recorded on the face of the meter, in clearly legible figures, a fare not exceeding the maximum fare that may be charged for a journey.

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

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

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

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

F9: The taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the hire of Hackney Carriages.

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

G – Specifications for wheelchair accessible vehicles

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

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

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

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

H – Trailers

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

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

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

I – Temporary Plates

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

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

APPENDIX C – PRIVATE HIRE VEHICLE SPECIFICATIONS AND CONDITIONS

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

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

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

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

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

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

Pre-Licensing Standards

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

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

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

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

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

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

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

Vehicle Conditions

A – Administration

The vehicle licence holder shall:

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

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

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

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

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

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

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

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

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

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

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

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

B – Condition of the Vehicle

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

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

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

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

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

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

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

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

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

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

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

C – Wheels and Tyres

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

D – Vehicle Testing

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

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

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

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

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

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

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

E – Licence Identification Plates

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

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

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

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

F – Taximeters

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

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

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

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

F4: When the meter is operating there shall be recorded on the face of the meter, in clearly legible figures, a fare not exceeding the maximum fare that may be charged for a journey.

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

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

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

G – Specifications for wheelchair accessible vehicles

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

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

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

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

H – Trailers

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

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

I – Temporary Plates

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

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

DRAFT NOT FOR CONSULTATION

APPENDIX D – SPECIALITY VEHICLE AND LIMOUSINE CONDITIONS

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

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

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

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

A – General Conditions

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

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

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

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

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

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

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

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

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

B – Vehicle Conditions

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

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

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

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

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

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

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

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

C – Vintage/Classic Cars

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

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

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

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

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

D – Fire Engines/Novelty Engines

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX E – HORSE DRAWN CONDITIONS

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

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

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

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

A – Driver Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B – Carriage Conditions

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

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

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

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

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

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

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

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

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

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

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

APPENDIX F – LICENSED PRIVATE HIRE OPERATOR CONDITIONS

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

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

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

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

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

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

Pre-Licensing Standards

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

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

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

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

Operator Conditions

A – Administration

The private hire operator shall:

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

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

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

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

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

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

- Licensing Law
- Complaints
- Safeguarding Policies

- How and when to accept bookings

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

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

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

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

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

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

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

B – Taking and Recording of Bookings

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

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

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

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

B3: Ensure that booking records are:

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

C – Records Required (Other than Booking Information)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D – Convictions

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

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

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

E – Safeguarding

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

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

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

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

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

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

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

F – Premises and Equipment

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

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

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

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

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

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

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

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

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

APPENDIX G – CONVICTIONS POLICY

Drivers

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

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

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

Protected Cautions

A caution is a protected caution if:

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

Protected Convictions

A conviction is a protected conviction if:

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

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

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

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

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

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

Vehicle Licence Holder/Proprietors

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

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

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

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

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

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

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

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

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

Private Hire Operators

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

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

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

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

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

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

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

General Policy

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

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

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

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

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

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

Relevance of Convictions, Cautions and Conduct

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

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

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

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

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

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

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

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

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

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

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

Crimes resulting in death

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

Exploitation

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

Offences involving violence against the person

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

Possession of a weapon

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

Sexual offences

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

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

Dishonesty

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

Drugs

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

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

Discrimination

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

Motoring convictions

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

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

Drink driving/driving under the influence of drugs

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

Using a hand-held device whilst driving

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

Other Motoring Offences

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

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

Hackney carriage and private hire offences

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

Vehicle use offences

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

APPENDIX H – Penalty Points Scheme

Purpose

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

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

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

Imposition of points

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

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

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

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

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

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

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

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

Appeal of points

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

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

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

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

Penalty Point Table

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

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

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

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

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

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

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

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

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