

Taxi and Private Hire Vehicle Policy

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Introduction

Taxi and PHVs are a vital form of public transport. They deliver a practical direct transport solution and provide an essential service to; people living in rural communities where other forms of public transport may be insufficient, the night-time economy, passengers with disabilities, and have an important role in facilitating social inclusion.

It is important that hackney carriage and private hire vehicles meet regulatory standards and are able to convey passengers safely and comfortably, ensuring that the customer experience is a positive one.

This policy and related procedures will advise applicants of the standards and requirements that must be met and guide the Council in the way it carries out its licensing functions. **This policy will be reviewed every 5 years but may be subject to interim reviews should the need arise.**

Application of the Policy:

_____ Council is the Licensing Authority under the Local Government Miscellaneous Provisions Act 1976 (as amended) and the Town and Police Clauses Act 1847. It has the duty to carry out its licensing functions in respect of:

- Hackney Carriage Vehicle Licences
- Hackney Carriage Drivers Licences
- Private Hire Vehicle Licences
- Private Hire Drivers Licences
- Private Hire Operator Licences

This Policy will apply to the licence types listed above. Throughout this Policy any reference to the following general terms means:

- 'driver' - refers to a hackney carriage or private hire driver
- 'vehicle' –refers to a hackney carriage or private hire vehicle
- 'taxi' -refers to a hackney carriage
- 'PHV' refers to a private hire vehicle
- 'operator' –refers to a private hire operator
- 'proprietor' –refers to owner of a hackney carriage or private hire vehicle
- 'licence holder' refers to the holder of a hackney carriage/private hire drivers licence, a hackney carriage or private hire vehicle licence, or a private hire operator's licence.
- 'the council' means _____ Council
- 'Authorised Council Officer' means any officer of the Council authorised under the Council's Scheme of Delegation as contained in the Constitution
- Licence plate' or 'the 'plate' means the vehicle licence plate issued to all vehicles and required to be displayed externally at the rear of all licensed vehicles, except if the vehicle is exempt
- The Committee' means the _____ Committee of the Council

In undertaking its licensing function, the Licensing Authority will have regard to the following legislation:

- Town and Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976,
- Transport Act 1985
- Environmental Protection Act 1990
- Health Act 2006
- The Smoke-free (Premises and Enforcement) Regulations
- The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
- The Equality Act 2010
- Crime and Disorder Act 1998
- Data Protection Act 2018
- Immigration Act 2016
- Human Rights Act 1998
- The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002
- Wellbeing of Future Generations (Wales) Act 2015

Consideration has been given to other relevant legislation and guidance, including:

- Guidance on the Rehabilitation of Offenders Act 1974 (March 2014)
- Disclosure and Barring Service (DBS)
- Guidance on Eligibility Regulators Code 2014
- The Department for Transport “Taxi and Private Hire Vehicle Licensing Best Practice Guidance” (March 2010)
- The Department for Transport “Statutory Taxi and Private Hire Standards” July 2020
- Welsh Government –“Taxi and private hire vehicles: Licensing Guidance” March 2021

Policy Aims & Objectives

The overall aim of hackney carriage and private hire licensing is to protect the public and promote public safety.

Insert local aims/objectives/background

Taxi and PHV licensing is a devolved function in Wales. In the Welsh Government :“[Taxi and private hire vehicles: Licensing Guidance](#)”, Welsh Government has the following aim as part of their vision statement:

‘Our aim is to update Wales’s taxi and PHV licensing system to make it fit for a modern Wales. We want to create one consistent standard applied across Wales that promotes safety, contributes to a cleaner environment, improves the customer experience, and is accessible by all.

The Council agrees with this vision and will work towards the aim and the following four objectives:

- **Safety** – Operators, vehicles and drivers will be safe and suitable for licensing
- **Environment** – licensed vehicles should contribute to targets for a cleaner environment
- **Equality** – All passengers should have access to a suitable vehicle. Driver and operators should provide a service that fits customer needs
- **Customer Experience** – All customer should experience a good standard of taxi/PHV service.

In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council as set out in this policy.

Licensing process and delegation of functions

The Council's Constitution details who is responsible for making decisions on matters relating to taxi licensing.

The Council operates a scheme of delegation where certain powers are delegated to Authorised Officers and Elected Members who sit on the _____ Committee. A copy of the Constitution which contains the scheme of delegation is available on the Council's website or upon request.

Departure from Policy

In exercising its discretion in carrying out its functions, the Licensing Authority will have regard to this Policy and the objectives set out therein.

Where it is necessary for the Licensing Authority to depart significantly from this Policy, clear and substantive reasons for doing so will be given.

Licence Fees

Licence fees will be set in order for the Licensing Authority to recover the costs associated with the administration, issue and enforcement of each licensing regime, so far as is permissible by statute.

The fees will be reviewed periodically, and any surplus or deficit will be taken into account the next time the fees are set.

The current licence fees can be viewed on the Council's website.

Hackney Carriage and Private Hire Driver Licences

Licence requirements

Any person who drives a hackney carriage or private hire vehicle must hold the appropriate licence.

Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.

Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

INSERT DETAILS IF ISSUE A 'DUAL LICENCE'

Any reference to 'driver's licence' in this section will refer to both hackney carriage and private hire driver's licences.

The Licensing Authority will issue a drivers licence to applicants that are considered to be 'fit and proper to hold a licence, and this will permit the driving of both hackney carriage and private hire vehicles.

Licence Duration

Driver licences will be granted for a period of 3 years, however the Licensing Authority does have the discretion to issue a licence for a shorter duration when it is considered to be appropriate in the circumstances of the individual case, or at the request of the applicant.

Application Process

The application procedure and guidance for obtaining a hackney carriage/private hire driver's licence is detailed in **Annex 1**.

Fitness and Propriety

The purpose of the following pre-requisites of licensing is to assist the Licensing Authority in determining whether an applicant/driver is a 'fit and proper' person to hold a licence, or to continue to hold a licence.

In the absence of a legal definition of 'fit and proper' the Licensing Authority will use the following test:

Without any prejudice, and based on the information before them, would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone at any time of day or night.

In order to further assist in understanding the interpretation of this definition, the Licensing Authority will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving records, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.

When assessing the fitness of an applicant to hold a driver licence, the Licensing Authority will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and commendations from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Licensing Authority or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.

It must also be recognised that the Licensing Authority will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Licensing Authority considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

The Licensing Authority takes into account significantly that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, lone women, foreign visitors and persons who are incapacitated from alcohol or other substances.

In order to assess the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '*Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades*' April 2018.

The guidance is detailed in **Annex 2**.

DBS check

In order to satisfy the authority that they are a 'fit and proper' person, all applicants for the role of hackney carriage or private hire vehicle (PHV) driver will undergo an Enhanced Disclosure and Barring Service (DBS) check, which includes a check of the children and adult barred lists. For licensed drivers this check will be repeated every 6 months.

All applicants/licence holders must sign up to the DBS Update Service and maintain their subscription for the duration of their licence. The licence holder must give permission for the Licensing authority to undertake checks of their DBS status.

Disclosure and Barring Service certificates will only be accepted if the disclosure is dated within one calendar month prior to the application. To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '[Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#)' April 2018.

It should be noted that individuals that appear on either barred list will routinely have their application refused, unless there are exceptional circumstances in which the licensing authority considers that, on the balance of probabilities, the individual is 'fit and proper'.

Overseas criminal record check

All applicants for a hackney carriage or PHV driver's licence that have spent 6 or more continuous months outside the United Kingdom since their tenth birthday the Licensing authority will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas.

The applicant will be required to cover any financial costs of such checks.

For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from: [GOV.UK Criminal records checks for overseas applicants](#).

In the event that an applicant is not able to obtain a certificate of good conduct, they should not progress with their application and should contact the Licensing authority for further information.

Overseas criminal history checks must have been obtained within the 6 month period preceding the application.

The Licensing authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

Certificates of Good Conduct which are in a language other than English will be required to be translated into English at the applicant's expense by an independent translation service and the translation must be verified.

Driving experience & Standards

All applicants must have at least ____ years driving experience i.e. they must have held a full UK driving licence, a driving licence issued by a member state of the

European Union or other “exchangeable licence” as defined in the Road Traffic Act 1988 for at least _____years prior to the date of application.

At the time of application, all applicants must have held a UK driving licence for Category B vehicles for 12 months. Details on ways to convert a foreign driving licence to a UK driving licence can be found at: <https://www.gov.uk/exchange-foreign-driving-licence>

To ensure that applicant’s driving standard is suitable, the Licensing Authority will undertake a check of the status of the applicant’s DVLA driver’s licence to view the applicant’s driving history. This check will take place prior to first licence, prior to renewal of a driver’s licence and at any time considered necessary by the Licensing Authority.

Medical checks

The licensing authority recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. Therefore, all applicants for a hackney carriage/private hire driver’s licence are required to meet the DVLA Group 2 medical standards of fitness to drive. The medical must be carried out by the applicant’s own general practitioner (GP) or another GP at the applicant’s registered practice that has full access to their medical records.

In exceptional circumstances, and only with prior agreement from the Licensing authority, a medical assessment may be carried out by another registered GP practice as long as the applicant’s full medical history has been viewed and assessed by that GP.

The licensing authority may direct any licence holder to supply satisfactory evidence in the form of a medical certificate, stating the licence holder meets the required Group 2 standards, should their medical fitness be called into question.

Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard shall not have a licence granted to them, or the licence shall not be renewed, or shall be revoked.

The requirement for applicants/licensed drivers to complete a medical examination is as follows:

- Upon application, every 5 years between the ages of 45 and 65
- Every year when the driver is aged 65 years or over
- Or anytime as required by the licensing authority or the medical practitioner.

The medical form is valid for 4 months from the date the examining doctor, optician or optometrist signs it.

All licence holders are required to inform the licensing authority of any illness or condition that affects their ability to drive.

All costs associated with obtaining the relevant medical certificate are to be met by the applicant/licence holder.

Find the medical form: [Medical report for taxi or private hire vehicle drivers licence: application form](#)

Equality Act Duties

The Equality Act 2010 places a number of legal duties on licensed drivers when transporting passengers with disabilities.

Assistance Dogs

The Equality Act 2010 places duties on both licensed Hackney Carriage and Private Hire Vehicle Drivers to carry guide, hearing and other assistance dogs accompanying disabled people, and to do so without additional charge.

These duties apply equally to dogs provided by UK charities affiliated with Assistance Dogs UK, equivalent overseas organisations, or assistance dogs which have been trained by their owners; and regardless of whether the dog is wearing a recognisable harness or jacket, or subject to formal certification. Where a prospective passenger informs a driver that a dog they wish to travel with is an assistance dog, this should be accepted at face value.

Assistance dogs are trained to ride with their owner in the main passenger compartment of a vehicle, usually lying at their feet, and the owner will instruct their dog to enter and exit the vehicle. Passengers with assistance dogs should be asked if they have any preference over which seat they sit in the vehicle – some may prefer to sit in the front passenger seat of a saloon vehicle, as the larger footwell can offer more space for the dog to sit in. Drivers should be prepared to provide any other reasonable assistance requested by the passenger; however it is unlikely that assistance dogs will require assistance in entering or exiting most vehicles beyond opening the passenger door. Drivers should not try to separate assistance dogs from their owners by insisting that the dog rides in a different part of the vehicle – doing so may cause distress to both the dog and the owner. Assistance dogs may ride in the rear load space of an estate car, if the dog's owner consents to this.

Assistance dogs are bred and selected for their calm nature, and receive substantial specialist training before beginning their roles. They are subject to regular grooming and veterinary health checks. While we recognise that a number of drivers who are not experienced with dogs may feel uneasy at being in such close proximity to one, this does not constitute valid grounds for refusing to carry a passenger with an assistance dog. Similarly, religious beliefs also do not provide grounds for refusing to carry assistance dogs in taxis and private hire vehicles, nor other legal requirements under UK law.

Wheelchairs

The Equality Act 2010 places duties on both licensed Hackney Carriage and Private Hire Vehicle Drivers who operate Wheelchair Accessible Vehicles to carry passengers in a wheelchair and provide assistance to ensure safety and reasonable comfort, and to do so without any additional charge.

The types of assistance that may be required include:

- If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get in and out of the vehicle and secure the wheelchair in accordance to the vehicle specification.
- If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle together with any luggage.

A driver who fails to comply with any of the above duties without valid defence will commit a criminal offence, and may be fined up to £1,000 for each offence on conviction. Offences may also lead to revocation or suspension of taxi licences.

A 'reference wheelchair' is defined in statute as having the following dimensions:
Length: 1200mm (approx. 48") including footplates
Width: 700mm (28")
Total seated height: 1350mm (54")
Height of footrest: 150mm (6")

It is anticipated that the above dimensions for a reference wheelchair will cover the majority of manual wheelchairs – however, we recognise that some wheelchairs with specialist functionality, or motorised wheelchairs and mobility scooters, may exceed these dimensions and may not be able to be loaded and carried safely in all designated taxis. In such cases, drivers will be expected to assess whether the passenger can be safely carried in their vehicle, to carry the passenger if their safety and reasonable comfort can be assured, or to assist them in locating a suitable alternative vehicle otherwise, where this is practicable. Such circumstances may constitute a defence to an offence mentioned above.

In all cases, we expect drivers to treat passengers with respect and sensitivity, and to provide a clear explanation to the passenger as to why they have not been able to convey them.

Equality Act Medical Exemption policy

In order to improve compliance with the requirements of the Equality Act, and to support drivers that have genuine medical conditions that prevent them from fully undertaking the duties under the Act described above, the Council has adopted the [Taxi and private hire vehicles: Equality Act medical exemption policy](#) detailed in **Annex 3**.

Driver Training and Assessment

Hackney carriage and private hire drivers have an important responsibility in the safe transportation of fare paying passengers. Drivers are expected to act in a professional manner at all times and provide excellent customer service. Completion of training is required in order to assist drivers in being equipped to perform their duties.

Drivers will then be assessed to demonstrate that they have understanding of the issues that they may face in role and to prove they have the necessary skills.

Prior to obtaining a driver's licence, all applicants must successfully complete training. Training details...

Safeguarding training

Hackney carriage and private hire drivers have an important responsibility in the safe transportation of fare paying passengers. Drivers are expected to act in a professional manner at all times and provide excellent customer service.

Licensed drivers can often be the eyes and ears of a community. Training can be important in assisting licensed drivers in recognizing when they carrying passengers at risk of abuse and exploitation.

All new applicants for a hackney carriage/private hire driver's licence must undertake safeguarding training. The training focuses on recognising what makes adults and children vulnerable, violence, sexual exploitation, county lines and human trafficking indicators. It includes examples of suspicious journeys as well as information on maintaining professional boundaries.

The training is in the form of the following video and a test based on the content of the video must be passed prior to obtaining a licence.

Watch the video: [Safeguarding training for Hackney Carriage and Private Hire drivers and passenger assistants](#)

Applicants who speak English as a second language

The Licensing Authority welcomes applicants from all ethnic backgrounds. However, it is important that drivers can communicate with passengers effectively in the English language and have the ability to read and understand the statutory requirements placed upon them.

Where it is apparent to Licensing Officers during the application process that an applicant is unable to understand or communicate effectively in English the applicant will be required to undertake a Skills for Life English for Speakers of Other Languages Course (ESOL), or equivalent qualification at entry level 3, at their own cost, prior to proceeding with the application process.

Right to work check

It is a requirement under the Immigration Act 2016 that prior to the grant of a licence, all applicants must demonstrate that they have the right to work in the UK.

Once this requirement has been satisfied, further proof will not be required unless the right to work is time restricted, in which case further proof will be required to demonstrate continued right to work.

The list of acceptable documents for right to a licence are detailed in **Annex 4**

The right to licence check will ordinarily be carried out face to face. However, due to coronavirus (COVID-19)

Applicants that cannot successfully demonstrate the right to work in the UK will not be granted a licence.

Where the holder of a licence breaches immigration laws, this will be grounds to review, suspend or revoke a licence.

If immigration permission is cut short, the holder of the licence will be committing an offence if they do not return the hackney carriage driver, private hire driver or operator licence to the licensing authority, for which they may be fined.

Driver Conduct

It is expected that licensed drivers behave in a professional manner and provide a high quality service at all times.

The Driver Code of Conduct detailed in **Annex 5** has been developed to outline the standards expected of licensed drivers and is an integral part of the 'fit and proper' assessment.

The Code also serves to advise potential passengers of the level of service they should expect when hiring a licensed vehicle.

Driver Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, plays an important role in portraying a positive image of the area and drivers can be seen as key ambassadors for Wales.

Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers, is to be welcomed.

To ensure that not only are the above objectives are met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set, which is detailed in **Annex 6**.

Private Hire Driver Conditions

The conditions of licence applicable to drivers of private hire vehicles are detailed in **Annex 7**.

Hackney Carriage Bylaws

Byelaws applicable to the driver and proprietors of hackney carriages are details in **Annex 8**.

National register for hackney carriage and private hire licence revocations and refusals (NR3)

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for being granted, a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to

requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at [\(INSERT WEBLINK\)](#)

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom. If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [INSERT CONTACT DETAILS](#) This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

Hackney Carriage and Private Hire Vehicles

Application process

All applications will be determined on their own merits. The application procedure for obtaining a vehicle licence is detailed in **Annex 9**.

Proprietor Fitness & Propriety

Although vehicle proprietors may not have direct contact with passengers, it is important to ensure that they are considered to be 'fit and proper' to hold a licence, in order to ensure that vehicles are appropriately licensed so maintain the safety benefits of the licensing regime.

When assessing the fitness of an applicant to hold a vehicle licence, the Licensing Authority will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Licensing Authority or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.

It must also be recognised that the Licensing Authority will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Licensing Authority considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not

engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '*Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades*' April 2018. The guidance is detailed in **Annex 2**.

DBS Check

All applicants for a hackney carriage and PHV vehicle licence will be required to submit a basic disclosure from the DBS in order to satisfy the authority that they are a 'fit and proper' person. This checks will be repeated for vehicle licence holders annually. The cost of these checks will be covered by the applicant/licence holder.

Applicants that already hold a hackney carriage or private hire driver licence with this authority are not required to provide the basic disclosure as part of their application for a hackney carriage/private hire vehicle licence.

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '*Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades*' April 2018. The guidance is detailed in **Annex 2**.

Driving offences will not normally be considered as part of the assessment for vehicle licence holders.

Information contained within an enhanced DBS check that would not be disclosed on a basic check will not be considered as part of the assessment for a vehicle licence.

Overseas Criminal Record Check

All applicants for a hackney carriage or PHV driver's licence that have spent 6 or more continuous months outside the United Kingdom since their tenth birthday the Licensing Authority will need to see evidence of a criminal record check from the country/countries visited covering the period that the applicant was overseas.

The applicant will be required to cover any financial costs of such checks.

For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing Authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

In the event that an applicant is not able to obtain a certificate of good conduct, you should not progress with your application and should contact the Licensing Authority for further information.

Overseas criminal history checks must have been obtained within the 6 month period preceding the application.

The Licensing Authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

Certificates of Good Conduct which are in a language other than English will be required to be translated into English at the applicant's expense by an independent translation service and the translation must be verified.

General Vehicle Construction

All vehicles to be considered for licensing must comply with:

- a. All aspects of the requirements of the Motor Vehicle (type Approval) Regulations 1980
- b. The Motor Vehicle (Type Approval) Regulations (Great Britain 1984).
- c. The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.
- d. The Road Vehicles (Construction and Use) Regulations 1986 (C & U).
- e. All respects of British and European vehicle regulations and be 'type approved' to the requirements of the **M1 category** of European Community Whole Type Approval Directive 2007/46/EC as amended.
<http://www.dft.gov.uk/vca/vehicletype/index.asp>
- f. In the absence of European Community Whole Type Approval, or if a vehicle has been modified in any way since manufacture, vehicles may be considered for licensing that have:
 - i. National Small Series Type Approval
<http://www.dft.gov.uk/vca/vehicletype/index.asp> or
 - ii. Individual Vehicle Approval
<http://www.dft.gov.uk/vca/vehicletype/index.asp>

Modifications/additional equipment

No modifications to the vehicle or the fitting of additional equipment may take place without prior written consent from the licensing authority. A written application explaining the full nature of the modification or equipment must be accompanied by appropriate information and a confirmation from the vehicle's manufacturer that the modification/equipment will not compromise the vehicle's safety and specification.

Vehicle specification

In order to ensure the safety and comfort of the travelling public, the licensing authority has set out a minimum specification for licensed vehicles that must be met before a vehicle can be licensed. The specification of taxis is detailed in **Annex 10**, and the specification for private hire vehicles is detailed in **Annex 11**.

Vehicle Licence Conditions

The licensing authority is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a hackney carriage vehicle or private hire vehicle licence.

The licence conditions in relation to hackney carriage vehicles are detailed in **Annex 12** and private hire vehicle licence conditions are detailed in **Annex 13**.

Licence Duration

Vehicle Age

The licensing authority's vehicle age policy is detailed in **Annex 14**.

Vehicles in Exceptional Condition

The Licensing Authority recognises that some older vehicles may have less wear and tear, may be exceptionally well maintained by the proprietor, and will have a physical and mechanical condition of a younger vehicle. In those circumstances when the vehicle is found to be in 'exceptional condition', the Licensing Authority may consider the vehicle to be licensed beyond the upper age limits detailed above.

The criteria detailing what will be considered 'exceptional condition' is detailed in **Annex 15**.

In order to determine that a vehicle meets the exceptional condition criteria it must undergo an inspection by an inspector approved by the Licensing Authority. In addition the vehicle must pass an MOT test.

Vehicles that are deemed to be in exceptional condition may be licensed for an additional year (subject to passing all required vehicle tests).

Vehicle Emissions

The licensing authority's vehicle emission policy is detailed in **Annex 16**.

Vehicle Testing

Vehicle Testing Frequency

Insurance

Certificates of insurance are required in accordance with the following requirements:

- The vehicle must have a valid certificate of insurance for public hire and reward in respect of taxis, and private hire and reward in respect of private hire vehicles.
- Certificates of insurance or cover notes issued to cover “any vehicle” or “any driver” must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.
- Where an insurance cover note is provided a full certificate of insurance must be produced to the licensing authority at the earliest opportunity.
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate of insurance as required (unless delayed or prevented by sufficient cause accepted and agreed by the licensing authority), the licensing authority may suspend the licence and require the proprietor of that hackney carriage to return all the plates to the licensing authority subject to any appeal period.

V5 Registration Certificate

The licensing authority accepts that a full V5 registration certificate in the new owner’s name is not always available upon first licence; however, the V5/2 green section of the V5 form and proof of purchase must be produced. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5/2 green section.

A full V5 registration certificate and proof of purchase must be produced upon transfer of a vehicle licence. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5 green section.

Where the green section has been produced on first licensing the vehicle, a full V5 registration certificate in the new owner’s name must be produced to the Council within 7 calendar days of the form being received by the owner of the vehicle.

Accident Reporting

In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire vehicle causing damage materially affecting:

- (i) the safety, performance or appearance of the vehicle, or
- (ii) the comfort or convenience of the passengers,

must be reported to the licensing authority as soon as reasonably practicable, and in any case within seventy-two (72) hours of the occurrence thereof.

Following an accident or damage to a licensed vehicle, if it is the intention of the owner or operator to continue licensed use, the vehicle must immediately be inspected by the licensing authority's nominated testing facility to determine its fitness for continued use. It is the responsibility of the licence holder to notify the licensing authority that this requirement has been satisfied. If the licensing authority's nominated testing facility determines that the vehicle is fit for continued use, the time-scale for cosmetic repairs must be agreed with an authorised Officer of the licensing authority.

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

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

- (i) the damage to, or defect in, the vehicle has been reported to the licensing authority,
- (ii) an application is made in the prescribed manner for a temporary vehicle licence,
- (iii) the replacement vehicle meets the requirements of this Policy and is suitable to be used for hire purposes.

Fares

The Licensing Authority sets the maximum rate of fares that can be charged by for hackney carriage journeys that take place within the local authority area. The current table of fares is detailed in **Annex 17**. A copy must be displayed in each vehicle.

It is an offence to charge more than the metered fare for journeys that start and end in the local authority area. A lesser fee than the metered fare may be charged, but never more than.

Drivers undertaking journeys that start or end outside the local authority boundary may agree a fare with the passenger prior to the commencement of the journey or may choose to use the taximeter.

The Licensing Authority will periodically review the table of fares. Any amendments will be subject to a public consultation process.

Representatives of the hackney carriage trade may make an application to the Licensing Authority for consideration of an amendment to the table of fares.

The local authority is not able to set fares for private hire vehicles. Best practice is to agree the fare prior to the commencement of the journey with the Private Hire Operator.

Drivers must, if requested by the passenger, provide written receipts for all fares paid. A receipt which must include the following information: -

- fare displayed and calculated by the meter together with other approved charges in accordance with the fare chart
- Licence number of the vehicle

It is not necessary to produce a physical receipt. It is accepted that were technology is able to many passengers are happy for a receipt to be sent via text or email. However, the means to be able to print a receipt should always be available.

Taximeters

'Taximeter' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976, being:

'...any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both;'

Taximeters **must** be fitted to all taxis, and **may** be fitted to private hire vehicles.

Where a taximeters is fitted, it must be:

- Fully compliant with the Measuring Instruments (Taximeters) Regulations 2006, and be certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- In the case of taxis, fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- In the case of taxis, calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares determined by the licensing authority;
- Calendar controlled;
- Fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances;
- Have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon; and
- Supported by a certificate/report of compliance issued by a taximeter installed approved by the local authority (the licensing authority will only accept a certificate that has been issued within the previous 10 working days).
- With respect to a taxi, in the event that a proprietor fails to present to the licensing authority a valid certificate/report of compliance (unless delayed or prevented by sufficient cause accepted and agreed by the licensing authority), the licensing authority may suspend the licence and require the proprietor of that taxi to return all the plates to the licensing authority subject to any appeal period

GPS meters/management & dispatch systems

GPS 'meters' utilize global positioning systems (GPS) rather than 'pulse' method used by standard taximeters to calculate distance. GPS meters do not currently

comply with Measuring Instruments Directive (MID) (2004/22/EC) on taximeters, as such they cannot be used as alternative to a traditional pulse taximeters in licensed taxis.

The use of GPS meters, and dispatch/management systems is permitted in taxis and private hire vehicles, however in taxis it must not replace the approved taximeter and must not obstruct or distract from the display of the taximeter. It must be clear to passengers that the fare they are paying is displayed on the approved taximeter. In order to avoid any confusion to passengers, any fare displayed on the GPS system must be hidden from the passenger's view.

Any GPS system must be installed in accordance with the manufacturer's instructions.

Closed Circuit Television Cameras (CCTV)

Security for drivers and passengers is of paramount importance and internal vehicle CCTV cameras can be a valuable deterrent.

This licensing authority has not mandated the use of CCTV in licensed vehicles, however can recognise the benefits to both driver and passengers. Future consultation on the mandatory use of CCTV may be considered, but in the meantime the licensing authority will permit the use of CCTV systems on a voluntary basis.

Proprietors deciding to fit CCTV systems in their vehicles must ensure full compliance with the Licensing Authority's CCTV Policy details in **Annex 18**.

Video Point of Impact Systems (VPIS)

The licensing authority allows the use of VPIS systems in hackney carriage and private hire vehicles. The proprietor of any vehicle fitted with a VPIS system must comply with the conditions set out in **Annex 19**.

Lost Property

The driver of the vehicle must carefully check the vehicle after the termination of each hiring, or as soon as practicable thereafter, for any personal belongings left in the vehicle.

Within 48 hours of finding lost property, the driver must hand the item(s) into a police station in the district and obtain a receipt for it.

Livery & Signage

It is essential that the public should be able to identify and understand the difference between a hackney carriage and private hire vehicle.

Hackney carriage and private hire vehicles are required to display the external licence plate, securely fixed to the rear of the vehicle. No temporary fixing is allowed.

Hackney carriage vehicles must be fitted with a roof sign bearing the word 'TAXI', which must be illuminated at all times when the vehicle is available for hire.

Private hire vehicles are not permitted to display roof mounted signs.

The Licensing Authority's Policy on livery and signage is detailed in **Annex 20**.

Advertising

No signs or advertising may be displayed on licensed vehicles without prior written consent from the licensing authority.

Where written consent has been provided, advertising is permitted on hackney carriage vehicles only in accordance with the advertising policy detailed in **Annex 21**.

All advertisements shall conform with the requirements of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and shall not relate to matters concerning tobacco, gambling, alcohol, politics, religion, matters of a sexual nature, or any other content likely to cause offence.

Card Payments

Licensed vehicles may be fitted with a council approved credit and debit card payment device. The device must have the facility to produce a printed receipt.

Where a vehicle is fitted with a card payment device two, double-sided signs must be displayed, either specifying card company logos or a bilingual (English & Welsh) sign stating 'This licensed vehicle now accepts credit and debit card payments including contactless'

The sign must be positioned internally at the top of both passenger windows.

Should a problem occur with a card payment, the driver should follow this advice:

- Ask the passenger to try the payment card again
- If the issue persists, ask the passenger if they have an alternative card or cash
- Offer to take the passenger to the nearest ATM (cashpoint)
- If the passenger refuses to pay the fare, consider contacting the police.

Drivers should check that their card payment is working before they start work, including ensuring it is capable of printing receipts.

Accessibility

Designated wheelchair accessible vehicles (WAVs) must be able to facilitate the carriage of disabled persons and accommodate a disabled person in a 'reference' wheelchair* in the passenger compartment.

*A reference wheelchair is defined in Schedule 1 of the Public Services Vehicles Accessibility Regulations 2000;

<http://www.legislation.gov.uk/ukxi/2000/1970/schedule/1/made>

Section 167 of the Equality Act 2010 permits Local Authorities to maintain a designated list of wheelchair accessible vehicles. This licensing authority has taken the decision to maintain such a list. Which is published on the licensing authority's website at.....

Proprietors have a responsibility to ensure that any licensed driver who drives one of their wheelchair accessible vehicles is made aware of their duties in respect of carrying disabled persons in wheelchairs when driving a licensed wheelchair accessible vehicle.

The proprietor of a licensed wheelchair accessible vehicle must demonstrate to every driver of the vehicle how to assist a passenger in a wheelchair into and out of the vehicle and correctly secure the wheelchair in the vehicle. This will include showing the driver how to deploy the ramp(s) and how to use and adjust the restraints. The proprietor must keep a record of this demonstration and include the following:

- a. The date of the demonstration
- b. The name and licence number of the driver
- c. A signed and dated acknowledgment by the driver that the demonstrating has taken place and he/she clearly understands how to transport a passenger in a wheelchair into the vehicle

The proprietor must retain this record for as long as the driver is using the vehicle. If the driver rents the vehicle again in future the proprietor must repeat the demonstration and record.

In the case that the proprietor is also the licensed driver of the vehicle, the proprietor shall record a signed acknowledgement to certify that he/she can perform the vehicle manufacturer's instructions on how to safely transport a wheelchair passenger into and out of the vehicle and how to secure the wheelchair.

Hackney Carriage Vehicle Licence Conditions

The licensing authority has the power to impose such conditions on a hackney carriage vehicle licence as it considers reasonable, necessary and proportionate. The conditions of licence are detailed in **Annex 22**.

Hackney carriage Byelaws

Byelaws applicable to the driver and proprietors of hackney carriages are details in **Annex 8**.

Private Hire vehicle Licence Conditions

The licensing authority has the power to impose such conditions on a private hire vehicle licence as it considers reasonable, necessary and proportionate. The conditions of licence are detailed in **Annex 23**.

Executive Hire (Private Hire Only)

Vehicles used solely for executive hire may be exempt a number of standard conditions such as displaying livery and external licence plate.

A vehicle will only be considered for the exemption if undertaking executive service for corporate or business contracts, proms/race days and corporate airport runs would not be deemed as an executive use and therefore subject to standard private hire vehicle conditions.

The type of work considered to be 'executive hire' includes, but is not restricted to:

- Exclusive business to business contracts, i.e. to transport employees and clients on business related journeys under a written contract to a company or person
- Bookings for certain clients (for example politicians and celebrities) who, for security or personal safety reasons, would not want the vehicle to be identifiable

as a private hire vehicle.

The vehicle interior and exterior shall be of the very highest quality in design and use of materials available and in exceptional condition. The trim of vehicles to be considered 'executive' must be the highest specification of a particular type of vehicle. Relevant considerations as to whether a vehicle meets an executive standard include, but are not limited to, cost, reputation, specification, appearance, perception, superior comfort levels and seating specification, e.g. whether the vehicle offers additional space per passenger compared to standard vehicles.

Any proprietor wishing to licence a vehicle for executive hire must apply to the licensing authority providing written confirmation from their private hire operator that the vehicle will only be used for executive hire.

A written notice from the licensing authority which states which vehicle licence conditions are exempt must be carried in the vehicle at all times.

Vehicles licensed for executive hire are required to be driven by a licensed private hire driver.

Novelty/Special Event Private Hire Vehicles Including Limousines

Novelty private hire vehicles are licensed in accordance with the provisions of the Local

Government (Miscellaneous Provisions) Act 1976. Novelty private hire vehicles must

not have the appearance of a hackney carriage vehicle and must be designed to carry 8 passengers or less.

Proprietors wishing to licence limousines should have regard to VOSA's 'Guidance for Operators of Stretch Limousines' (2011)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/147836/Guidance_for_Operators_of_Stretch_Limousines_2_.pdf

The specification and conditions relating to limousines is detailed in **Annex 24**.

Novelty vehicles such as vintage cars, decommissioned fire engines and motorised rickshaws may also be considered for private hire use. The specification and conditions relating to such vehicles are detailed in **Annex 24**.

Additional provisions for Hackney Carriages only:

Quantity Restrictions

Licensing authorities have the power to limit the number of hackney carriage vehicle licences it issues, provided they are satisfied that there is no significant unmet demand for hackney carriage service.

In order to assess the level of unmet demand in the area, licensing authorities should commission an independent survey. In line with the Department for Transport's Best Practice Guidance (<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>) where quantity restrictions are in place, surveys should be repeated at least every 3 years.

[Insert details regarding quantity restriction]

Legislation does not currently allow licensing authorities to impose quantity restrictions on private hire vehicle licences.

Taxi Ranks (legally referred to as hackney carriage stands)

It is not a mandatory requirement that the local authority provide ranks for the hackney carriage trade. Where ranks are provided the use and location of these ranks will periodically be reviewed by the local authority.

Any amendments to existing ranks or the addition of new ranks will be subject to consultation. Comments and suggestions with regards to the location of new ranks are welcomed.

Taxi ranks are provided for hackney carriages only. Private hire vehicles are not permitted to wait, pick up or drop off at designated taxis ranks.

Private Hire operators

Application process

All applications will be determined on their own merits. The application procedure for obtaining a private hire vehicle operator licence is detailed in **Annex 26**.

Licence Duration

Operating licences will be granted for a period of 5 years, however the licensing authority does have the discretion to issue licences of a shorter duration, if it considers this to be appropriate in the circumstances of the case.

Responsibilities and Fitness/Propriety of the Operator

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers, administrative staff and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.

The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding).
- Employment of ancillary staff where a basic DBS check has not been completed for the individual, or the results of which may pose a risk to the public.
- Loss/misuse of personal data

The licensing authority expects licensed operators to support its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues, failure to do so will call into question the fitness and propriety of the operator.

When assessing the fitness of an applicant to hold a private hire operator's licence, the Licensing Authority will consider the applicant's criminal history as a whole,

together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Licensing Authority or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.

It must also be recognised that the Licensing Authority will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Licensing Authority considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '*Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades*' April 2018. The guidance is detailed in **Annex 2**.

DBS Check

All applicants for a grant or renewal of a Private Hire Operator's licence must submit a basic disclosure (dated within one month of the application) which can be obtained from Disclosure & Barring Service in order to satisfy the authority that they are a 'fit and proper' person. In the case of applications from a company or organisation, all director of the company/organisation must provide a basic disclosure. The cost of these checks will be covered by the applicant/licence holder.

Applicants that already hold a hackney carriage or PHV driver's licence with this authority are not required to provide the basic disclosure as part of their application for a private hire operator's licence.

Driving offences will not normally be considered as part of the assessment for private hire operator licence holders. Information contained within an enhanced DBS check that would not be disclosed on a basic check will not be considered as part of the assessment for a private hire operator's licence.

Overseas Criminal Record Check

All applicants for a private hire vehicle operator's licence that have spent 6 or more continuous months outside the United Kingdom since their tenth birthday the Licensing Authority will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas.

The applicant will be required to cover any financial costs of such checks.

For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing Authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

In the event that an applicant is not able to obtain a certificate of good conduct, you should not progress with your application and should contact the Licensing Authority for further information.

Overseas criminal history checks must have been obtained within the 6 month period preceding the application.

The Licensing Authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

Certificates of Good Conduct which are in a language other than English will be required to be translated into English at the applicant's expense by an independent translation service and the translation must be verified.

Licence Condition

The licensing authority has the power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The conditions of licence are detailed in **Annex 27**.

General Compliance & Enforcement

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety.

It is recognised that well-directed enforcement activity by the Licensing Authority benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade. In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Licensing Authority will operate a proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Licensing Authority will only intervene where it is necessary and proportionate to do so. Where defects are such that use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable.

Compliance assessments are to ensure that license holders remain 'fit and proper'. The Licensing Authority may use a variety of tools and powers to identify non-

compliance, this may include, but is not limited, pro-active and reactive inspections, 'mystery shopper' exercises, programmed exercises with relevant partners, targeted enforcement operations, investigation of complaints/service requests.

Enforcement action will be proportionate, consistent and reasonable, whilst ensuring the public are protected. Determination of the method of enforcement may consider the following:

- The seriousness of the offence
- The offender's previous compliance history
- The consequence of the non-compliance
- The risk to public
- The likelihood of repeated non-compliance
- The effectiveness of other compliance/enforcement methods

Licence Holder Self-Reporting

All Licence holders are required to notify the issuing authority within 48 hours of any arrest and release for any sexual offence, any offence involving dishonesty or violence and any motoring offence. Further notifications to the licensing authority must be made within 48 hours of any charge and any conviction. Failure by a to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Disciplinary Procedure

Complaints made against licence holders from members of the public, police officers, council offers, or any other relevant person will be fully investigated by Licensing Authority.

Following investigation of a complaint concerning a licence holder's conduct or behaviour or the notification of an offence the Licensing Authority will consider the following disciplinary sanctions:

- a. **To take no action** –If relatively minor complaint with no history of poor behaviour or possible mitigating circumstances.
- b. **Warning letter** -for minor/moderate complaints/offences or if a pattern of poor behaviour/conduct is evident. A warning letter may be issued where the seriousness of the complaint/offence doesn't warrant suspension or revocation. A warning letter will stay on the licence holder's file for 2 years (or a period determined appropriate by the Licensing Authority). There is no limit to the number of warning letters a driver can receive however if a driver receives 2 or more warning letters within 2 years for similar complaints the Licensing Authority may wish to consider more serious action such as a final written warning or suspension.

- c. **Final written warning** – for minor/moderate complaints/offences whereby a licence holder has received a warning letter(s) regarding a similar matter.
- d. **Driver required to undertake further training**. The Licensing Authority may conclude that the complaint or report against a licence holder may be due to lack of knowledge and may recommend that a licence holder undergoes further training in order to correct behaviour and prevent further misconduct.
- e. **Prosecution** – where there is a clear evidence and it is in the public interest, a licence holder may be prosecuted for offences under the relevant legislation.
- f. **Suspension** –for more serious complaints/offences or cases whereby a licence holder has previously received a warning for a similar complaint/offence in the past 2 years. The length of the suspension will be determined on a case by case basis. Suspension can be considered an option where no previous warning has been issued if the Licensing Authority feel that due to seriousness of the matter it is warranted.
- g. **Vehicle suspension (Stop Notice)** – a vehicle licence may be suspended when the vehicle is not meeting the licence conditions or is not roadworthy. The notice requires the vehicle to not be used as a licenced vehicle until the defect has been rectified and the notice has been lifted by the Licensing Authority
- h. **Revocation** – for repeat patterns of poor conduct or behaviour where warning(s) or suspension(s) have already been issued. For serious matters whereby the Licensing Authority consider the driver is no longer a fit and proper person to hold a licence.
- i. **Immediate suspension/revocation** – when it is the interest of public safety, the Licensing Authority may require the suspension/revocation to have immediate effect.
- j. **Refusal to renew a licence** – as for revocation above.
- k. **Imposition of penalty points** – see section below

The General Enforcement Policy for the Licensing Authority embeds its principles of enforcement. The Policy is available on the Council's website [\[Insert link\]](#)

Penalty Points Scheme

The Licensing Authority operates a penalty points scheme to assist consistent, transparent enforcement action against licensed drivers, vehicle proprietors and operators. The scheme is detailed in **Annex 28**.

Appeals

Any individual that is aggrieved by the suspension/refusal/revocation of a licence may appeal against the decision of the Licensing Authority to the local Magistrate's Court within 21 days of the decision. This must be lodged with the Court in accordance with the relevant statutory provisions. The Licensing Authority strongly

advises parties to promptly seek appropriate independent legal advice in such circumstances.

A further right of appeal against the decision of the Magistrate's Court lies with the Crown Court.

Working in Partnership

In order to maximize effective enforcement and compliance, it is often necessary for the Licensing Authority to work in partnership with other agencies. Examples of partnerships may include, the police, Driver and Vehicles Standards Agency (DVSA), Her Majesty's Revenue and Customs (HMRC), neighbouring local authorities, adult and children safeguarding teams.

The Licensing Authority also aims to work closely with the licensed trade to continue to professionalise the industry and improves standards of service.

Service Requests & Complaints

The Licensing Authority will investigate all service requests and complaints made against licence holders, provided details are received that will allow for establishment of the identity of the licence holder. Details would include, licence holder's name, licence number, or vehicle registration number.

It should be noted that the investigation of the complaint may result in the complainant being asked to provide a written witness statement. In addition the complainant may be required to provide evidence in person at a disciplinary Committee or at Court.

Statements may also be taken from the licence holder and any other witnesses.

In coming to decision regarding what, if any, action should be taken, the Licensing Authority will consider all evidence and mitigating circumstances.

Details of how to make a complaint are found on the Council's website.

Cross Border Enforcement

Where it becomes apparent that either a number of vehicles licensed by this authority are undertaking the majority (i.e. over 50%) of private hire work in another local authority area, or when it is evident that a number of vehicles licensed by another local authority are undertaking the majority of private hire work in this area, the licensing authority will endeavour to develop enforcement protocols with those local authorities.

In these circumstances the following protocol (as described in the [Local Government Association's Taxi and PHV Licensing- Councillor's handbook](#)) will be followed:

- All authorities agree what level of expertise/qualification/skills is the minimum for approval of authorisation of each individual.
- All authorities establish, via their own schemes of delegation, what procedural steps need to be taken to validly authorise (i.e. chief officer's report, sub-committee or full committee decision).
- All authorities agree the form and wording of the 'letter of authorisation' and 'photo warrant card' to be issued.
- Each 'requesting council' formally requests authorisation of named individual officers.
- Each 'receiving council' obtains authorisation and provides a 'letter of authorisation' in respect of the other authority's officers.
- Each employing authority provides its own officers with a photo warrant card specifying that for the purposes of [specify Acts of Parliament] that officer [name] is a duly authorised officer of [list all authorising councils].
- Each authority provides all officers with copies of appropriate bylaws, conditions and agreed methodologies/reporting mechanisms for dealing with defective vehicles and other issues from other areas.
- Each authority seeks political and financial approval for pre-planned joint operations both with each other and also police/HMRC Customs & Excise.
- Data sharing protocols, as required, be established between authorities, including standard incident reporting templates/operation logs to be used by all for consistency and scheme recording.

Insert details of any local scheme or consideration