

Hackney Carriage and Private Hire Vehicle Policy and Conditions

Version 6 (November 2022)

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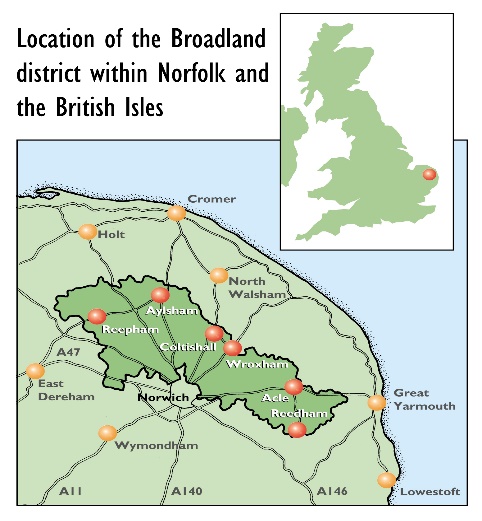
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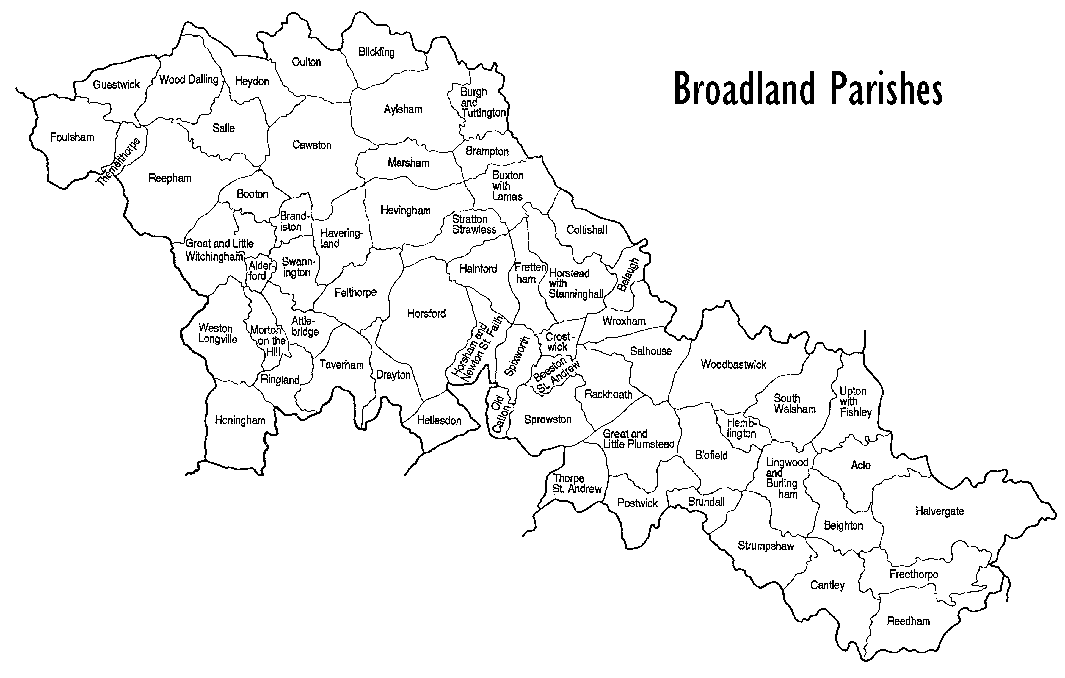
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1. Introduction

Broadland District Council is situated in the county of Norfolk. The district has a population of 129,000. The Council area includes the northern suburbs of Norwich, such as Thorpe St. Andrew, Sprowston and Hellesdon, as well more rural areas to the north and east, including market towns such as Aylsham and Acle. The Broadland Northway (A1270) allows for easy access between the main arterial roads of the district and the A47.

**Map of the area covered by Broadland District Council**





1. Purpose of Licensing

The Council has responsibility for the regulation and control of all Operators, Drivers and Vehicles which are used for hire and reward within our 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. Policy Aim

The Licensing Authority aims to provide a consistent and transparent service when carrying out its 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.

It is the Council’s wish to facilitate well-run and responsible businesses which provide essential services to the travelling public. The Council recognises the importance the licensed trade offers to the local community. The aim of the licensing process is to regulate the Hackney Carriage and Private Hire trade in order to promote safety and wellbeing of the public who utilise these services. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and its aims and objectives.

1. Consultation

Police

Fire and Rescue

Disability groups

All current licence holders

Legal Services

Council website

Council offices

All elected Members

National Taxi and Private Hire Association

Portfolio Holder

Other relevant consultees

1. Review of the Policy

The 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 force until 2026 when it will be subject to review and further consultation if changes are made. At the time of the review, we will again consult with all interested parties. Minor amendments which do not materially affect or amend the essence of this policy may be made without the need to consult.

1. Contact

The Licensing Team Contact Address is:

Broadland District Council

Thorpe Lodge

1 Yarmouth Road

Thorpe St Andrew

Norwich NR7 0DU

[licensing.bdc@southnorfolkandbroadland.gov.uk](mailto:licensing.bdc@southnorfolkandbroadland.gov.uk)

01603 430574

1. Licensing Process and Delegation of 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 Licensing Committee for consideration and determination. All applications will be determined in accordance with this Policy unless there are compelling reasons to depart from the Policy requirements in the individual circumstances of the case.

1. Committee Procedure and Right to Appeal

If the application for a licence falls outside of this Policy, the Licensing Team will inform the applicant of the reasons why. If the applicant wishes to, they may give notice in writing that they wish the matter to be considered by the Licensing Committee. The applicant will be advised of the date that their application will be heard. The applicant will be expected to attend to give reasons why they feel that the Licensing Committee should depart from, or offer an exception to, this Policy.

Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as possible after the decision has been made but in any case within 14 days. This will include information on the right of appeal where appropriate.

All Members and officers who have the responsibility for making decisions on licence applications, must have undertaken sufficient training to enable good decision making. This is in accordance with the Statutory Taxi and Private Hire Vehicle Standards.

1. Fees

Fees and charges for all licences are payable in advance and must accompany the application. Applications submitted without fees will be considered incomplete and will be returned to the applicant.

Full details of all current fees and charges, updated annually, can be found on our website.

1. Conditions

The Council has adopted byelaws and conditions relating to Hackney Carriages and Private Hire Driver licences. These conditions are agreed by the Licensing Committee. Once a licence is granted, the licence holder agrees to comply with the conditions of their licence, which include the byelaws and conditions relating to Hackney Carriages and Private Hire Driver licences.

1. Equality Act 2010

It is unlawful under the above Act to discriminate, either directly or indirectly, against any person on the grounds of disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief.

Drivers of Wheelchair Accessible Vehicles must comply with their duties under section 165 of the Equality Act 2010, unless they have been personally issued with an exemption certificate under section 166 of the Act. Section 166 of the Equality Act 2010 allows the Authority to exempt Drivers from the duties to assist passengers in wheelchairs, but only if they are satisfied that it is appropriate on medical grounds or because the Driver’s physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

A list of all Wheelchair Accessible Vehicles will be maintained in accordance with section 167 of the Equality Act 2010 on the Council’s website. This list will be periodically updated based on the details given at the time of vehicle licensing.

12 Low Emission and Electric Vehicles

The Government has identified climate change as a priority focus and the Council wishes to encourage the delivery of Greener Policies. The Council recognises the positive impact that low and zero emission vehicles have on the environment and any application received for low and ultra-low emission vehicles will be considered on its own merits. The Council encourages the take up of ultra-low and zero emission vehicles.

Zero emission vehicles emit zero emissions in their life-cycle. Electric vehicles require less maintenance than hybrid or conventional vehicles as they require little or no regular maintenance of their battery, motor or associated electronics. In addition there are fewer fluids to change and less moving parts. The regenerative braking system also means there is less wear and tear on the brakes.

Fuel cell vehicles typically have a range of up to 300 miles depending on the model and can be re-fuelled within a few minutes. As with purely electric vehicles they emit no emissions during their life-cycle.

Ultra-low emission vehicles (Hybrid and E-REV) use a conventional engine to either act as an additional fuel source for the vehicle or as a fuel source for the battery. Hybrids and E-REV have lower CO2 emissions as a result of improved fuel economy and the ability to operate in electric only mode. Typically CO2 emissions are between 15-30% less than conventional models when not in electric only mode. Hybrid vehicles and E-REVs still have a combustion engine and therefore require a similar maintenance schedule as for conventional vehicles. As with electric only vehicles they often use a regenerative braking system which reduces wear and tear on the brakes.

The Council is looking at ways to encourage the earlier transition to using electric vehicles. Some funding assistance may be made available for battery electric vehicles (BEV) and plug in hybrid electric vehicles (PHEV). Different funding may be available depending on the CO2 emissions of the vehicle. Further detail will be provided on any such schemes as it becomes available.

It is the aim of the Council that all newly licensed vehicles (not applicable to renewal applications) from **1 April 2030** will be ultra-low or zero emission.

Vehicles, Operators and Drivers are otherwise expected to be fully compliant with all other relevant Private Hire and Hackney Carriage licensing requirements and conditions. Every application will be considered against the policy. Any person may request an exception to the policy but the applicant must be able to demonstrate sound and compelling reasons as to why the Licensing Committee should consider departure from the policy.

**Where this policy refers to the Licensing Committee, this refers to the Licensing and Regulatory Committee and will include any sub-committee or any subsequent or equivalent properly constituted body.**

**Part 1 Dual Hackney Carriage and Private Hire**

**Driver Policy**

1. Introduction

In the Broadland district there will be an option to issue Dual Driver Licences. The criteria to obtain a Driver licence is the same for each process.  Although you may not choose to drive a Hackney Carriage vehicle upon application (at the time of writing this policy Broadland Council does not have any Hackney Carriage vehicles licensed), it does mean that if you change your mind and wish to do so, you have the authority to drive either a Hackney Carriage or Private Hire Vehicle, should Broadland issue Hackney Carriage vehicle licences in the future.

Licences are normally issued for a **3 year** periodunless the licence holder’s leave to remain in the UK is time-limited then the licence will expire on the leave to remain expiry date.

1. Legislation

**Town Police Clauses Act 1847**

**Local Government (Miscellaneous Provisions) Act 1976**

The above legislation is the predominant set of laws governing the regulation of Drivers of

Hackney Carriage and Private Hire Vehicles.

1. Licensing Criteria

All Driver licences will be **DUAL LICENCES** and enable a Driver to drive both Hackney Carriage and Private Hire Vehicles.

Applicants must be able to meet the following criteria to be granted a licence to drive:

| CRITERIA | REQUIRED STANDARDS |
| --- | --- |
| Age Requirement | Be over 21 years of age at application |
| Driving Licence Requirement DVLA or EU | Have held a full UK or EU member state driving licence for a minimum of one year |
| DVLA Driver Licence Background check | Each new or renewal application will require a DVLA issued licence to be checked to ensure the validity of the licence, classification of vehicle authorised and previous driving history.  Applicants for new licences must pass a Hackney Carriage and Private Hire Vehicle Driving Assessment with a Council approved company |
| Medical Background Check | The Council’s medical form (which is to the DVLA Group 2 Medical Standards), satisfactorily completed by a General Practitioner (GP), must be submitted with all new and renewal applications. Once a Driver or applicant reaches 65 years of age, annual medical assessments will be required.  The GP must confirm medical fitness to Group 2 standard to undertake this role. |
| Criminal Record Background Check | A DBS (Disclosure and Barring Service) enhanced disclosure must be completed to provide a full record of any cautions, convictions or intelligence held on the applicant or Driver’s record.  All criminal record information must be considered for this occupation type, whether or not it might be considered ‘spent’ under other circumstances.  Applicants must provide a criminal record certificate (certificate of good conduct) for any country (excluding the UK) where they have resided for three or more continuous months whilst aged 18 or over. Where an applicant is unable to provide a certificate of good conduct, a Declaration of Convictions Outside the UK may be signed in its place. Signing of the declaration in place of a certificate of good conduct may only be permitted where it can be evidenced the country concerned is unable to provide the requested certificate. |
| Immigration Status Check | A right to work check under the Immigration Act 2016 will be carried out on the applicant before a licence is issued. |
| Have a good command of English, both written and oral  This is essential as the applicant will need to be able to understand and comply with sometimes complex legislation, driving standards and conditions which need to be followed. | Licensed Drivers MUST be able to communicate with their passengers. This means to understand written and verbal instructions and requests and be able to respond appropriately.  Further tests may be required, as determined by the Licensing Authority, such as an assessment regarding written and oral skills. |
| HMRC tax payments | Confirm that they have read HMRC guidance on what they need to do to be properly registered for tax in the future. |

1. Fit and Proper Person

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that

“A district council shall not grant a Drivers’ licence to drive a Private Hire or Hackney

Carriage vehicle unless they are satisfied that an applicant is a fit and proper person”

The standards set by the legislation state that the applicant for a licence to drive a Hackney Carriage or Private Hire Vehicle must be a ‘Fit and Proper’ person. The Council has to determine that an applicant is fit and proper to hold a licence. This means that the applicant must be suitable and safe. The Council consider this to mean:

* Honest and trustworthy;
* Not abusive, exploitative, violent or threatening;
* A competent and safe Driver fully conversant with relevant road traffic legislation and licence conditions;
* Conversant with the area that they are working in to ensure passengers are carried by the shortest route;
* Able to communicate effectively with passengers and can read, speak, write and understand English;
* In good physical and mental health;
* Must hold a full Driver Licence and not be disqualified from driving.

These standards must be upheld during the validity of the Council issued Driver licence.

The following table provides the standards required by Broadland District Council.

1. For all new applications

| REQUIRED STANDARDS | METHOD OF ASSESSMENT |
| --- | --- |
| Safe and comfortable Driving Standards | Driving Assessment  A first-time applicant, or an applicant whose previous licence expired more than 28 days previously, must produce a certificate issued by a Council approved provider (a list of which can be found on our website) confirming that they have taken and passed a Driving Assessment for Taxis and Private Hire Vehicles. The applicant will be required to provide their own vehicle in which to complete the test. This will be implemented for new licence holders. Existing licensed Drivers will not have to complete the test, unless the renewal period of their licence exceeds a 28-day period or at the Authorised Officer’s request. |
| Medical Fitness | DVLA Group 2 Medical Assessment Standards Medical to be undertaken and satisfactorily completed. |
| Convictions and Criminal History  DBS Checks **must** be through the local authority and will not be accepted from any other source. | DBS enhanced check to include checks against the ‘other workforce’ barred lists, as well as subscription to the DBS Update Service to enable 6 monthly criminal record checks.  A Criminal record check or alternatively a Certificate of Good Conduct from any Embassy in the countries which the applicant has resided for three or more continuous months whilst aged 18 or over. Where an applicant is unable to provide a certificate of good conduct, a Declaration of Convictions Outside the UK may be signed in its place. Signing of the declaration in place of a certificate of good conduct may only be permitted where it can be evidenced the country concerned is unable to provide the requested certificate.  See **Appendix 1**- Convictions Policy. |
| Revocation or refusal of licence with other licensing authorities  National Register of Taxi Licence Refusals and Revocations (NR3) | The Licensing Authority will check applications against the National Register of Taxi Licence Refusals and Revocations (NR3) |
| Must be the holder of a full Driving licence;  Validity and issue date of Driving Licence and Driver History and Driver Category check | DVLA Driving Records Check in respect of penalty points and any other relevant issues. |
| Safeguarding and Disability Awareness Training | The Council has in place a requirement to undertake this training with a Council approved provider. |
| PREVENT Training | Drivers may be required to undertake PREVENT training, at the discretion of the Licensing Authority. |
| Right to Work in the UK | A right to work check under the Immigration Act 2016 will be carried out before a licence is issued. |
| Information regarding previous licences, revocations or refusals | Checks will be made with the National Anti-Fraud Network database (NR3) for refusals and revocations of Hackney Carriage or Private Hire licences. |
| Ability to speak and communicate effectively in English. | New applicants for Driver licences may be required to undertake an English speaking and comprehension test with a provider recommended by the Council. |
| HMRC tax payments | From 4 April 2022 applicants for the grant of a drivers licence will need to either:   1. Confirm that they have read HMRC guidance on what they need to do to be properly registered for tax in the future; or 2. complete a tax check if they are:  * applying for the same type of licence they previously held, that ceased being valid less than a year ago; or * are applying for the same type of licence they already hold with another licensing authority.   https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence |

Any Driver whose DVLA driving licence has been suspended or revoked will automatically have their Hackney Carriage and Private Hire Driver licence suspended by an Authorised Officer as they will no longer satisfy the prerequisites for a Hackney Carriage and Private Hire Driver licence. The Driver will then be required to appear before Committee for consideration of the future of their licence.

1. For all renewal applications

| REQUIRED STANDARDS | METHOD OF ASSESSMENT |
| --- | --- |
| Medical Fitness | DVLA Group 2 Medical Assessment Standards Medical to be undertaken upon every three year renewal application and satisfactorily completed. |
| Convictions and Criminal History | The DBS Update Service will be utilised from 1 April 2025.  Drivers who have not subscribed to the update service by 1 April 2025 will be required to complete a new enhanced DBS disclosure every six months. Any DBS disclosure certificate must be no older than 30 days at the time of application. |
| Revocation or refusal of licence with other licensing authorities  National Register of Taxi Licence Refusals and Revocations (NR3) | The Licensing Authority will check applications against the National Register of Taxi Licence Refusals and Revocations (NR3) |
| Be the holder of a full Driving licence;  Driving Licence and driving history check | DVLA Driving Records Check |
| Safeguarding and Disability Awareness Training | The Council has in place a requirement to undertake this training with a Council approved provider.  ALL Drivers will be expected to have undertaken this training prior to the renewal of their licence. Failure to do so may result in the suspension of the licence until the course is undertaken. |
| Ability to speak and communicate effectively in English | Where the Council has concerns regarding an existing licensed Driver’s ability to communicate in English they will be required to undertake an English language assessment with a Council approved provider. |
| HMRC tax payments | From 4 April 2022 existing licensed drivers applying to renew their licence will need to complete a tax check with HMRC.  https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence  The tax check must be carried out by the applicant. A tax agent or adviser cannot be asked to do this on your behalf. The tax check will ask questions about how you pay any tax that may be due on income you earn from your licensed trade.  After you have completed the tax check you will be given a 9-character tax check code. You will need to give the code on your application to the licensing authority, so they can confirm you have carried out a tax check.  You will not be granted a licence if you do not give a tax check code to your Licensing Authority. |

All documents must be provided for a renewal application to be processed. An incomplete application may be returned to the applicant.

1. Convictions, Cautions and Penalty Points Policy

All applications are considered against the Council’s Convictions and Penalty Points

Policy. This may be found at **Appendix 1.**

In assessing whether the applicant is a fit and proper person to hold a licence, the Authority

shall consider each case on its merits. It will take account of the DBS enhanced disclosure report in so far as it is relevant to the application for a licence.

Upon receipt of a DBS enhanced disclosure Licensing officers will assess whether any or all of the conviction(s) and/or any additional information received is capable of having any relevance to the application as to whether the applicant is a ‘fit and proper’ person to hold a licence.

Licensing officers will refer an application before the Committee where the number and/or nature of the convictions, formal cautions and/or other information relating to the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective licence. Where any applicant has been charged with any offence and is awaiting trial, the Authority may defer the determination of the application until that outcome has been established.

The Committee may determine applications that do not meet the pre-licensing criteria. Whilst each case is judged on its merits, matters revealed by an enhanced DBS check will be of particular concern if they may impact on the safety of passengers. For the information of applicants and the general public, the Authority has regard to its ‘Convictions Policy’ which is published on the

Council website.

When deciding what action is appropriate, the Committee need only consider an evidential argument that the applicant is not a ‘fit and proper person’ on the ‘balance of probabilities’, rather than ‘beyond reasonable doubt’. As such, the Committee is not restricted to taking action only where an applicant has been convicted of an offence. The Committee may have regard to formal cautions, criminal charges, police intelligence or any other material provided during the application process.

The consideration of the Committee is on a balance of probabilities whether the applicant is a ‘fit and proper person’ to hold a Driver Licence and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

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 at any time of day or night?

More weight will be added to those committing offences whilst acting as an Operator or a Driver of a Hackney Carriage or Private Hire Vehicle.

Cautions are considered similarly to convictions for the purpose of decision making. This is because a caution may only be given on admission of guilt.

The Council will consider all cautions, convictions, spent or unspent having regard to:

* How relevant the offence(s) are to the licence being applied for;
* How serious the offence(s) were;
* When the offence(s) were committed and the date of conviction;
* Sentence imposed by the court;
* The applicant’s age at the time of conviction;
* Whether they form part of a pattern of offending or indicate a pattern of unacceptable behaviour;
* Any other factors that might be relevant and the extent of any mitigating factors.

1. National Register of Taxi Licence Refusals and Revocations (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 driver licence revoked, or an application for one refused. This is necessary to assist a licensing authority with their decision making process to determine whether an applicant is a fit and proper person to hold a hackney carriage and private hire driver licence. (See paragraph 4 of Part 1 of this policy above).

Therefore:

* where a hackney carriage or private hire vehicle driver licence is revoked, or an application for one is refused, the authority will automatically record this decision on NR3; and
* 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 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 on the Council’s website.

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.

An applicant can raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, and can do so to the Authority’s Data Protection Officer. This includes submitting a subject access request.

An applicant always has 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/

1. Disability Awareness and Safeguarding Training

All applicants must undertake a training course which covers Disability Awareness and Safeguarding. There is also a Safeguarding Code of Conduct which acts as a reminder to Drivers which is included at Appendix 2.

Drivers must ask any passenger with any impairment, either by sight, hearing, vulnerability, lack of ability or other condition, what assistance they may need in order to travel safely and will be expected to provide that assistance.

The Driver shall ensure he/she is conversant with all tail lifts and ramps attached to the vehicle and any wheelchair fittings and fixings.

1. Wheelchair Accessible Vehicles (WAVs) and Assistance Dogs -

Drivers Responsibilities

Under the **Equality Act 2010**, Drivers of Hackney Carriage and Private Hire Vehicles designated by the local Licensing Authority as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate.

Drivers must:

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

Section 166 allows the Licensing Authority to exempt Drivers from the duty to assist passengers in wheelchairs if it is appropriate to do so on medical grounds or because the Driver’s physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

The Licensing Authority will maintain a list of designated Wheelchair Accessible Vehicles on its website.

Under the Equality Act 2010, licensed Drivers of Hackney Carriages and Private Hire Vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, Drivers have a duty to:

1. Convey the disabled passenger’s dog and allow it to remain under the physical control of the owner; and
2. Not to make any additional charge for doing so.

It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Under sections 168-171 the Equality Act 2010, it is an offence for any Operator or Driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, Drivers can be fined up to £1,000 and have their licence revoked.

**Part 2 Hackney Carriage Vehicle Policy**

1. Introduction

The Council aims to provide a clear, consistent licensing service for service users. The Council sets high standards to protect the safety of the travelling public and to prevent nuisance or annoyance.

Vehicle licences will be issued for a maximum of one year or for a lesser period if the vehicle will reach the Council’s age limits during the term of the licence. Additionally, vehicles which reach 7 years old (from the date of first registration) will be granted licences for a 6 month period in line with the vehicle inspection regime.

1. Legislation

**Town Police Clauses Act 1847**

**Local Government (Miscellaneous Provisions) Act 1976**

The above legislation is the predominant set of laws governing the regulation of Hackney Carriage and Private Hire Vehicles.

1. Hackney Carriage Vehicle Owners (Proprietors)

**Proprietors**

Proprietors of Vehicles will be required to undertake a Basic DBS Check,unless they hold a Driver licence issued by the Licensing Authority and are subject to a biannual DBS check (DBS update service). The contents of the basic DBS will be taken into account in deciding whether they are a safe and suitable person to hold a Vehicle licence.

1. Hackney Carriage Vehicle Licensing Criteria

All New vehicles must comply with the following:

| LICENSING CRITERIA | REQUIRED STANDARDS |
| --- | --- |
| Proof of Registered Keeper (V5 Registration Document) | An applicant for a Vehicle licence must be the registered keeper of the vehicle.  For initial applications, the applicant will need to provide the original V5C (vehicle registration document). From then onwards, the V5C will only need to be produced if the vehicle has had modifications and a new V5C has been issued. A bill of sale for that vehicle may be produced if the V5C is not available but the bill must include the date of first registration and the original V5C document must be produced within one calendar month. |
| Age Limit for licensing a vehicle for the first time | New Vehicle licences will only be granted to vehicles less than 5 years of age from the date of first registration. This date will be taken from the vehicle registration document. |
| Maximum Age Limit for vehicles | Vehicle licences will not be renewed once a vehicle is over 10 years of age from the date of first registration. This change is effective from 1 April 2027. |
| Condition of vehicle | Before a licence application is made in respect of a Hackney Carriage Vehicle, the applicant being the Proprietor of the vehicle should ensure that:-   1. The vehicle is in a satisfactory and safe condition for the carriage of passengers. 2. The vehicle is suitable in type, size and design as a Hackney Carriage Vehicle |
| Vehicle Fitness Standards | **Type Approval**  All vehicles submitted to the Council for licensing as a Hackney Carriage or Private Hire Vehicle shall meet the safety standards of one of the following;   * M1 Category European Whole Vehicle Type Approval; * British National Type approval; or in the case of converted vehicles British Single Vehicle Approval (before 29 April 2009); or * Individual Vehicle Approval (from 29 April 2009) to M1 standards.   For more information visit:  <https://www.gov.uk/vehicle-approval>  Vehicles must be confirmed as fit for use in accordance with the Hackney Carriage Vehicle licence criteria by an approved MOT test centre prior to a **new** application or **renewal** licence being granted  The Vehicle must be capable of complying with the Council’s policy requirements and conditions for Hackney Carriages.  Vehicles will require a Council Mechanical Test for all vehicles and an MOT test. Thereafter annual tests will be required until the vehicle reaches 7 years of age (V5 registration document verified) when tests will be conducted every six months.  The detail of the Council Mechanical Test that the vehicle needs to undertake and meet the standard of may be found on the website at www.southnorfolkandbroadland.gov.uk. |
| All Vehicles must comply with the following requirements:-  **The council will not permit vehicles to be licensed for dual purposes or licensed by more than one authority.** | * Be a vehicle fitted with four road wheels and at least three doors (see access to doors below) * Be a right hand drive. * Be capable of being identified as a Hackney Carriage * Have a seating capacity of not more than eight passengers in addition to the Driver * The vehicle must have seats with a minimum width of not less that 408mm (16 inches) per person * The seat layout, legroom, headroom and seated comfort of the vehicle will be assessed by an Authorised Officer upon inspection of the vehicle at the Council’s offices. Each application will be considered on its own merits. Should the Authorised Officer determine that the vehicle is not appropriate for use as a Hackney Carriage, or the dimensions of the vehicle are not sufficient to seat the specified number of passengers, the vehicle may be refused for licensing or the number of passengers permitted in the vehicle may be reduced. The safety and comfort of the passenger will be paramount. It is therefore advised that proprietors liaise with the Council before purchasing a vehicle to ensure its suitability. * The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer or vehicle convertor. Wheel trims must be fitted to all road wheels where part of the manufacturer’s original specification. * All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim. * All fittings shall be properly maintained and in good working order. Fittings include litter containers, clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair users. |
| Access to Doors  Currently licensed vehicles which do not meet the **new** criteria may continue in service until they reach the maximum age policy for such vehicles. | Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.  No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.  Any vehicle’s suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.  All passenger seats must have unobstructed access to the exit doors. |
| Seatbelts | All seats, front, rear and disabled must be fitted with three point seat belts. |
| Glazing | The rules for tinted front windscreens and front side windows depend on when the vehicle was first used. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. (Registered from 1 April 1985) |
| Roof signs | Hackney Carriage Vehicles should display a roof sign containing the wording TAXI and the words FOR HIRE. These will be the only words which may be displayed on the front of the roof sign. |
| Taximeter | From 1 April 2023 all Hackney Carriage Vehicles require a calendar controlled and sealed tariff taximeter capable of complying with relevant legislation.  Taximeters will be connected to the roof sign. Once the meter is started, the roof sign For Hire notice will extinguish. |
| Trailers | The towing of trailers will not be permitted except with the written permission of an Authorised Officer of the Licensing Authority. The Driver will need to demonstrate that they have the relevant DVLA licence category permitting the towing of trailers.  The trailer unit will also need to be inspected for roadworthiness and safety. The trailer must display a second plate fixed to the rear, issued upon the receipt of an additional fee. |
| LOLER Certificate – hoist equipment | If a mechanical hoist is fitted to the vehicle this will require a LOLER (Lifting Operations and Lifting Equipment Regulations 1998) inspection every six months by the manufacturer or their approved agent and a certificate/thorough examination report must be produced to the Licensing Authority.  Where a thorough examination report includes identification of any part found to have a defect which is or could become a danger to persons, the report must be produced to the licensing authority by the quickest practicable means without delay.  In all other cases, the report is to be provided within 21 days of the inspection date. |
| Transfer of Licence to a new vehicle | The Proprietor of a licensed Hackney Carriage Vehicle wishing to replace a licensed vehicle with another vehicle may apply to transfer the licence to the new vehicle. The new vehicle will be required to meet the same standards as for a new vehicle application. It will be required to undertake a vehicle mechanical test. The proprietor will also be required to produce valid MOT, insurance and vehicle registration documents for the vehicle as well as paying the prescribed fee. The vehicle must comply with the policy and conditions for a new vehicle licence. |

**An applicant whose vehicle does not meet the above criteria may request to have their application determined by the Licensing Committee. Departure from the agreed policy will only be considered where exceptional circumstances apply.**

**Part 3 Private Hire Vehicle Policy**

1. Introduction

The Council aims to provide a clear, consistent licensing service for service users. The Council sets high standards to protect the safety of the travelling public and to prevent nuisance or annoyance.

Vehicle licences will be issued for a maximum of 12 months or for a lesser period if the vehicle will reach the Council’s age limits during the term of the licence. Additionally, vehicles which reach 7 years old (from the date of first registration) will be granted a licence for a 6 month period in line with the vehicle inspection regime.

1. Legislation

**Local Government (Miscellaneous Provisions) Act 1976**

The above legislation is the predominant set of laws governing the regulation of Private

Hire Vehicles.

3 Private Hire Vehicle Owners (Proprietors)

**Proprietors**

Proprietors of Vehicles will be required to undertake a Basic DBS Check, unless they hold a Driver licence issued by the Licensing Authority and are subject to a biannual DBS check (DBS update service).  The contents of the basic DBS will be taken into account in deciding whether they are a safe and suitable person to hold a Vehicle licence.

4 Private Hire Vehicle Licensing Criteria

All New vehicles must comply with the following:

| LICENSING CRITERIA | REQUIRED STANDARDS |
| --- | --- |
| Proof of Registered Keeper (V5 Registration Document) | An applicant for a Vehicle licence must be the registered keeper of the vehicle.  For initial applications, the applicant will need to provide the original V5C (vehicle registration document). From then onwards, the V5C will only need to be produced if the vehicle has had modifications and a new V5C has been issued. A bill of sale for that vehicle may be produced if the V5C is not available but the bill must include the date of first registration and the original V5C document must be produced within one calendar month. |
| Age Limit for licensing a vehicle for the first time | New Vehicle licences will only be granted to vehicles less than 5 years of age from the date of first registration. This date will be taken from the V5 registration document. |
| Maximum Age Limit for vehicles | Vehicle licences will not be renewed once a vehicle is over 10 years of age from the date of first registration. This change will be implemented from 1 April 2027. |
| Condition of vehicle | Before a licence application is made in respect of a Private Hire Vehicle, the applicant should ensure that:-   1. The vehicle is in a satisfactory and safe condition for the carriage of passengers. 2. The vehicle is suitable in type, size and design as a Private Hire Vehicle. |
| Vehicle Fitness Standards | **Type Approval**  All vehicles submitted to the Council for licensing as a Hackney Carriage or Private Hire Vehicle shall meet the safety standards of one of the following;   * M1 Category European Whole Vehicle Type Approval; * British National Type approval; or in the case of converted vehicles British Single Vehicle Approval (before 29 April 2009); or * Individual Vehicle Approval (from 29 April 2009) to M1 standards.   For more information visit:  <https://www.gov.uk/vehicle-approval>  Vehicles must be confirmed as fit for use in accordance with the Private Hire Vehicle licence criteria by an approved MOT test centre prior to a **new** application or **renewal** licence being granted  The Vehicle must be capable of complying with the Council’s policy requirements and conditions for Private Hire Vehicles.  Vehicles will require a Council Mechanical Test for all vehicles and an MOT test. Thereafter annual tests will be required until the vehicle reaches 7 years of age (V5 registration document verified) when tests will be conducted every six months. |
| All vehicles must comply with the following requirements:-  **The council will not allow vehicles to be licensed for dual purposes or licensed by more than one authority.** | * Be a vehicle fitted with four road wheels and at least three doors (see access to doors below) * Be a right hand drive. * Be capable of being identified as a Private Hire Vehicle * Have a seating capacity of not more than eight passengers in addition to the Driver * The vehicle must have seats with a minimum width of not less that 408mm (16 inches) per person * The seat layout, legroom, headroom and seated comfort of the vehicle will be assessed by an Authorised Officer upon inspection of the vehicle at the Council’s offices. Each application will be considered on its own merits. Should the Authorised Officer determine that the vehicle is not appropriate for use as a Private Hire Vehicle or Hackney Carriage, or the dimensions of the vehicle are not sufficient to seat the specified number of passengers, the vehicle may be refused for licensing or the number of passengers permitted in the vehicle may be reduced. The safety and comfort of the passenger will be paramount. It is therefore advised that proprietors liaise with the Council before purchasing a vehicle to ensure its suitability. * The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer’s original specification. * All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim. * All fittings shall be properly maintained and in good working order. Fittings include litter containers, clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair users. |
| Access to Doors  Currently licensed vehicles which do not meet the **new** criteria may continue in service until they reach the maximum age policy for such vehicles | Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.  No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.  Any vehicle’s suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.  All passenger seats must have unobstructed access to the exit doors. |
| Seatbelts | All seats, front, rear and disabled must be fitted with three point seat belts. |
| Glazing | The windscreen must allow at least 75% of light to be transmitted through it and the front side windows allow 70% of light to be transmitted through them. It is also recommended that rear windows allow a minimum of 70% of light to be transmitted through them. |
| Vehicle Signage – Roof signs | No licensed Private Hire Vehicle may display a roof sign without obtaining prior consent from the Council.  The Proprietor may, by written application to the Licensing Team, request permission to permanently fix an illuminated roof sign or roof bar to a Private Hire Vehicle.  The roof sign or roof bar must be to the specification required by the council and have the words ‘Pre- Booked Only’ on both or all sides of the sign or bar. Private Hire Vehicles are permitted to use bus lanes and bus gates providing the relevant Traffic Regulation Order authorises the use where an approved roof sign/bar has been fitted to the roof of the vehicle. |
| Trailers | The towing of trailers will not be permitted except with the written permission of an Authorised Officer of the Licensing Authority. The Driver will need to demonstrate that they have the relevant DVLA licence category permitting the towing of trailers.  The trailer unit will also need to be inspected for roadworthiness and safety. The trailer must display a second plate fixed to the rear, issued upon the receipt of an additional fee. |
| LOLER Certificate – hoist equipment | If a mechanical hoist is fitted to the vehicle this will require a LOLER (Lifting Operations and Lifting Equipment Regulations 1998) inspection every six months by the manufacturer or their approved agent and a certificate/ thorough examination report must be produced to the Licensing Authority.  Where a thorough examination report includes identification of any part found to have a defect which is or could become a danger to persons, the report must be produced to the licensing authority by the quickest practicable means without delay.  In all other cases, the report is to be provided within 21 days of the inspection date. |
| Transfer of Licence to a new vehicle | The Proprietor of a licensed Private Hire Vehicle wishing to replace a licensed vehicle with another vehicle may apply to transfer the licence to the new vehicle. The new vehicle will be required to meet the same standards as for a new vehicle application. It will be required to undertake a vehicle mechanical test. The proprietor will also be required to produce valid MOT, insurance and vehicle registration documents for the vehicle as well as paying the prescribed fee. The vehicle must comply with the policy and conditions for a new vehicle licence. |

**An applicant whose vehicle does not meet the above criteria may request to have their application determined by the Licensing Committee. Departure from the agreed policy will only be considered where exceptional circumstances apply.**

**Part 3a Private Hire Stretched Limousine Policy and Executive Hire Policy and Conditions**

1. Stretched Limousines

A “stretched limousine”, is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. The majority of stretch limousine vehicles are imported from the Unites States and will not comply with the usual standards demanded of a Private Hire Vehicle.

It is likely that non-compliance will include:

* Vehicles will be left hand drive.
* Passenger windows will be dark/blacked out (however they must comply with current legislation)
* May not comply with age requirements
* Side facing seating arrangements

**STRETCH LIMOUSINE – ADDITIONAL PRIVATE HIRE REQUIREMENTS**

(Please see [Guidance\_for\_Operators\_of\_Stretch\_Limousines\_\_2\_.pdf (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/147836/Guidance_for_Operators_of_Stretch_Limousines__2_.pdf))

1. The stretched limousine must hold a valid Individual Vehicle Approval (IVA) Certificate issued by DVSA. Limousines converted by recognised convertors will only be accepted and will need to be evidenced. The IVA test comprises of a visual inspection of a vehicle by DVSA and certifies its safety and roadworthiness. [Vehicle approval: Individual Vehicle Approval - GOV.UK (www.gov.uk)](https://www.gov.uk/vehicle-approval/individual-vehicle-approval)
2. The Operator must declare to the Council any specific DVLA Driver category required to legitimately operate the vehicle.
3. No advertisement can be displayed on the vehicle, without obtaining prior written approval.
4. If the applicant/licence holder proposes to allow someone else to drive the vehicle they must obtain copies of their Private Hire Vehicle Driver licence and DVLA driving licence entitling that person to drive the vehicle.
5. **VEHICLE TESTING**

Following consultation with DVSA, a limousine will be subject to **two** vehicle tests per year. If a licence is issued it will be issued for a maximum period of six months, renewable every six months.

1. **SIDEWAYS SEATING**

Stretched limousines with side seating (facing towards the centre of the vehicle) will be considered for licensing.

1. **SEAT BELTS**

Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion as required under seat belt regulations. There is no legal requirement to fit seatbelts in sideways-facing seats and there are no seat belts or child restraints approved for side-facing seats. However, if seat belts have been fitted to any side-facing seats they must be worn and comply with current seat belt regulations.

1. **MAXIMUM PASSENGERS**
2. The limousine’s seating capacity must be reduced where necessary to a maximum of 8 passengers. The Vehicle must not carry more than 8 passengers **at any time**.
3. Any seats in the Driver’s compartment must not be used to carry passengers. This is to ensure that passengers are not carried in the front of the vehicle in order to improve Driver and passenger safety.
4. In any advertisement publicising their limousine service, the Operator must state that the vehicle is only licensed to carry a maximum of 8 passengers.
5. **TYRES**

The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight as specified by the convertors. Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times.

1. **FIRE EXTINGUISHER**

It will be the Operator/Driver’s responsibility to ensure that the extinguisher is of the correct type (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF), has the appropriate British Standard and is serviced annually. The extinguisher must be securely fitted and must not be accessed by any of the passengers. The Driver should also have sufficient training and knowledge in the safe use of the extinguisher in the event of fire.

1. **ENTERTAINMENT**

Entertainment which may be regulated includes TV, video, video games, loudspeakers, or any other activity provided for the passenger’s enjoyment.

1. The Driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle - based on the age of the youngest passenger. This is to safeguard child passengers from viewing unsuitable material.
2. Limousines which have the capability of playing recorded media for the entertainment of customers may be required to hold a Performing Rights Licence.
3. Entertainment provided in the vehicle shall be under the terms of any relevant legislative requirements.

**ADDITIONAL CONDITIONS FOR PRIVATE HIRE VEHICLES - STRETCH LIMOUSINES AND/OR EXECUTIVE HIRE VEHICLES**

* 1. **ALCOHOL**

1. Alcoholic drinks provided in the vehicle must be in accordance with the requirements of the Licensing Act 2003 relating to the sale and supply of alcohol.
2. The Driver must ensure that alcohol is only served while the vehicle is stationary and afterwards, all bottles are placed in a secure receptacle.
3. If any passenger is below the age of 18, **no alcohol** should be served in the vehicle.
4. Any ‘glassware’ in the vehicle must be made of either shatterproof glass or plastic.
   1. **SUNROOFS**

The Driver must ensure that any sunroofs fitted to the limousine are closed at all times when travelling and can only be operated by the Driver from their compartment. This is to ensure the safety of the Driver, passengers and the public.

* 1. **PASSENGER COMPARTMENT SEPARATION**

Where the rear seat compartment is separated from the Driver by a partition, the operation of the partition (if applicable) to be only controlled by the Driver from the driver’s compartment. If the partition is of a glass construction it must be made of toughened/safety glass and carry the appropriate safety markings.

* 1. **PASSENGER BEHAVIOUR**

The Driver will take all reasonable steps to ensure that passenger behaviour does not compromise public safety. Passengers need to be seated at all times when the vehicle is moving. The Driver will prevent them from opening any of the rear windows. This is to ensure the safety of the passengers and prevent public nuisance.

* 1. **SMOKING/VAPING**

No smoking is allowed in any licensed or work vehicles. No vaping shall be allowed in the vehicle at any time.

* 1. **FIRE EXTINGUISHERS**

It will be the Operator and Driver’s responsibility to ensure that the fire extinguisher carried in the vehicle is:

1. of the correct type (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF),
2. has the appropriate British Standard
3. is serviced annually.
4. The extinguisher must be securely fitted; and
5. must not be accessed by any of the passengers.
6. The Driver should also have sufficient training and knowledge in the safe use of the extinguisher in the event of fire.

Documentation required for a licence to be issued is the same as for a regular Private Hire Vehicle:

* DVLA Registration Document (V5).
* Valid Certificate of Insurance, with cover for hire and reward.
* Current MOT test certificate
* Completion of Council mechanical test

1. Executive Hire Vehicles, Drivers and Operators

There is no legal definition of Executive Private Hire. The same rules apply as for Private Hire Vehicles, Drivers and Operators. Bookings must be accepted by a licensed Private Hire Operator and a licensed Vehicle and Driver will be dispatched to complete the contract.

The main distinction between standard and executive private hire is the type of client catered for, which is typically business to business contracts, the type of service offered, and the cost of the service provided.

Executive Hire is expected to be:

* By written contract
* Booking and payment made in advance of the journey or by invoice
* Carried out in a high specification vehicle
* Chauffeur uniformed driver or a minimum of a collared shirt and tie
* Detailed in the business plan provided by the Private Hire Operator.

Executive Private Hire Vehicles

The vehicle used to undertake executive private hire work will be a licensed vehicle. It will be a high value, high specification vehicle exempted from the requirement to display standard licence plates and signage, but required instead to display discreet silver identification plates, as approved by the Licensing Authority. Vehicles, Operators and Drivers are otherwise expected to be fully compliant with all other Private Hire licensing requirements and conditions.

Executive Private Hire Vehicles are expected to meet the same criteria as standard licensed hire Vehicles with the following exceptions:

* The vehicle must be an executive or prestige type vehicle and may be licensed on request and at the Licensing Officer’s discretion.

Executive vehicles must be

* under 3 years of age when first licensed (from date of first registration stated on the V5 registration document);
* Manufacturers’ window tints are permissible;
* Window Tint Film must not be applied;
* The vehicle cannot be fitted with Operator to Driver communication system (radio);
* A licensed executive Private Hire Vehicle will be exempted from displaying standard private hire licence plates. An approved silver executive plate will be required to be displayed;
* A licensed executive hire vehicle will not be permitted to display any form of advertising.

Executive Private Hire Drivers

Drivers of Executive Private Hire Vehicles must hold a valid Private Hire Driver licence issued by the same local authority that issued the Executive Vehicle and Operator licence. The legislation requires that all licenced Drivers (Private Hire and Hackney Carriage) are fit and proper to hold such a licence. The standards required by the Licensing Authority in terms of driving skills, medical fitness, criminal/motoring convictions, knowledge of licensing requirements, and safeguarding is the same for both standard and executive Private Hire Drivers. A Driver who holds a Private Hire Driver licence can drive standard or executive hire vehicles.

The decision as to what constitutes Executive Hire will be taken by a Licensing officer upon application.

**Part 4 Private Hire Operator Policy**

Introduction

This part of the Licensing Policy sets out how the Authority will deal with applications for Private Hire Operator licences in the Broadland district.

The Council aims to provide a clear, consistent licensing service for service users. At the same time, it aims to protect the safety of users and to prevent nuisance or annoyance.

Operator licences will ordinarily be issued for 5 years unless, in the case of individual applicants, leave to remain in the UK is time limited.

Legislation

The Local Government (Miscellaneous Provisions) Act 1976 requires that a licence should be held by the proprietor of each Private Hire Vehicle and by each person who acts as a Driver of a Private Hire Vehicle or by an Operator of Private Hire Vehicles who in the course of business provides for the invitation and acceptance of bookings for such vehicles.

1. Private Hire Operator Licensing Criteria
   * 1. Applicants may be an individual, partnership or company.
     2. Individual applicants must be over 21 years of age.
     3. Applicants for new licences should:

* be free from previous convictions and cautions, other than for minor traffic offences;
* provide a basic DBS disclosure;
* from 4 April 2022 either
  + confirm that they have read HMRC guidance on what they need to do to be properly registered for tax in the future; or
  + complete a tax check and provide their 9 character tax check code to the Authority if they are:
    - applying for the same type of licence they previously held, that ceased being valid less than a year ago; or
    - applying for the same type of licence they already hold with another licensing authority.

<https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal->licence

* + 1. Applicants for renewal of licences should:
* be free from new convictions and cautions since the date of the last grant of their licence, other than for minor traffic offences;
* provide a basic DBS for disclosure of any relevant convictions;
* from 4 April 2022 complete a tax check with HMRC.

<https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap->metal-licence

The tax check must be carried out by the applicant. A tax agent or adviser cannot be asked to do this on your behalf. The tax check will ask questions about how you pay any tax that may be due on income you earn from your licensed trade.

After you have completed the tax check you will be given a 9-character tax check code. You will need to give the code on your application to the licensing authority, so they can confirm you have carried out a tax check.

You will not be granted a licence if you do not give a tax check code to your licensing authority.

If an applicant has not been resident in the UK for the last 5 years a certificate of good conduct from the appropriate overseas embassy(ies) may be acceptable in place of a basic level disclosure.

* + 1. Operators must ensure that all staff working at the Operator base produce a basic DBS disclosure (completed within the last month) at time of application for the Operator licence or at the time of employment, whichever is sooner. This must be produced to the Licensing Authority and recorded on the personnel file to be inspected by officers as part of the inspection process.
    2. Operators must provide their policy on employing ex-offenders into office or dispatch roles and a register of staff must be maintained. As with the threshold to obtaining a Private Hire Vehicle Operator licence, those with a conviction for offences provided in the annex to this document (Annex – Consideration of Previous Convictions or Cautions for Licensing Hackney Carriage or Private Hire Drivers), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.
    3. An Operator must ensure that Public Liability insurance is held for the Private Hire Operating business to a minimum value of £5,000,000.
    4. An Operator must ensure that all vehicles operated and Drivers working for them currently hold a valid licence issued by the Licensing Authority.

1. The Licensing Process & Delegation of Functions

Applications may also be referred to Licensing Committee for consideration and determination. All applications will be determined in accordance with this Policy and each case will be considered individually on its facts and merits. Any applications that fall outside of this policy can only be determined by the Council’s Licensing Committee.

1. Fees

Fees and charges for all licences must accompany the application.

Full details of all current fees and charges are obtainable from the Council website

<https://www.southnorfolkandbroadland.gov.uk/taxi-private-hire-licences>

1. Committee Procedure

If the application for a licence falls outside of our policies, the Licensing Section will inform the applicant of the reasons why. If the applicant wishes to, they may give notice in writing that they wish the matter to be considered by the relevant Licensing Committee. The applicant will be advised of the date that their application will appear before the Council’s Licensing Committee. The applicant will be expected to attend to give reason as to why they feel that the Licensing Committee should depart from, or offer an exception to, the Policy.

1. Conditions

The Council, through its Licensing Committee, has agreed conditions relating to Private Hire Operator licences.

**CONDITIONS**

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**DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE CONDITIONS**

**Broadland District Council Hackney Carriage Byelaws**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of Broadland district with respect to Hackney Carriages in Broadland.

### Interpretation

1. Throughout these byelaws “the Council” means Broadland District Council and “the district” means the district of Broadland.

### Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence, shall be displayed

1. (a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
   1. A proprietor or Driver of a Hackney Carriage shall -
      1. not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
      2. not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

### Provisions regulating how Hackney Carriages are to be furnished or provided

1. The proprietor of a Hackney Carriage shall:-
2. provide sufficient means by which any person in the carriage may communicate with the Driver;
3. cause the roof or covering to be kept water-tight;
4. provide any necessary windows and a means of opening and closing not less than one window on each side;
5. cause the seats to be properly cushioned or covered;
6. cause the floor to be provided with a proper carpet, mat or other suitable covering;
7. cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
8. provide means for securing luggage if the carriage is so constructed as to carry luggage;
9. provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
10. provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the Driver.
11. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
12. the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;
13. such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
14. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or Driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
15. the word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
16. the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
17. the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

### Provisions regulating the conduct of the proprietors and Drivers of Hackney Carriages plying within the district in their several employments, and determining whether such Drivers shall wear any and what badges

1. The Driver of a Hackney Carriage provided with a taximeter shall -
2. when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
3. before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word “HIRED” is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
4. cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
5. A proprietor or Driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
6. The Driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired -
7. proceed with reasonable speed to one of the stands appointed by the Council;
8. if a stand, at the time of their arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
9. on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
10. from time to time, when any other carriage immediately in front is driven off or moved forward cause their carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
11. A proprietor or Driver of a Hackney Carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
12. The Driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
13. The proprietor or Driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
14. A proprietor or Driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
15. If a badge has been provided by the Council and delivered to the Driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
16. The Driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage -
17. convey a reasonable quantity of luggage;
18. afford reasonable assistance in loading and unloading; and
19. afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

### Provisions fixing the rates or fares to be paid for Hackney Carriages within the district and securing the due publication of such fares

1. (i) The proprietor or Driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring their desire to engage by time.

ii) Where a Hackney Carriage furnished with a taximeter is hired by distance and time the proprietor or Driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

1. (i) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(ii) The proprietor or Driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

### Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof

1. The proprietor or Driver of a Hackney Carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
2. The proprietor or Driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him -
3. carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on their giving a receipt for it; and
4. be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

### Penalties

1. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

**HACKNEY CARRIAGE DRIVERS PLEASE NOTE**

The Broadland District Council Driver Licence is a dual licence which authorises the holder to drive both Broadland Council licensed Hackney Carriage and Private Hire Vehicles. Therefore the conditions detailed in the section of this document entitled ‘PRIVATE HIRE DRIVER CONDITIONS’ also apply. Where the condition applies specifically to the driving of a Private Hire Vehicle, then it would only apply when driving said vehicle. Where a condition is not specific to the driving of a particular vehicle, such as condition 7 which relates to informing the council of convictions etc, then it would apply at all times.

**PRIVATE HIRE DRIVER CONDITIONS**

1. **ANIMALS**

The Driver may not carry theirs or an Operator’s animals whilst engaged in carrying a fare.

Passenger owned animals may be carried at the Driver’s discretion.

**A Driver cannot refuse to carry an assistance dog except in the circumstances mentioned in paragraph 3(b) below.**

1. **APPEARANCE**
   1. The Driver shall be clean and tidy in appearance.
   2. The Driver shall at all times be dressed in a manner not to cause embarrassment or offence to members of the public.
2. **ASSISTANCE DOGS**
   * + - 1. No Driver may refuse to carry an assistance dog which is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.
         2. Drivers with medical conditions preventing the carrying of an assistance dog, must obtain a certificate of exemption from the Licensing Authority. This will be provided on receipt of a medical declaration from a certified medical practitioner. Any charge for any necessary medical examination is to be paid by the applicant. The holder of a certificate of exemption shall ensure that it is displayed within the vehicle at all times.
         3. Drivers must comply with the Equality Act 2010 and any subsequent or supplementary relevant legislation, at all times.
3. **BADGES**
   1. The Driver will wear their issued Driver’s badge at all times in such a manner as to be clearly and distinctly visible unless the vehicle is being used in connection with a wedding or funeral.
   2. A duplicate identification badge will be issued and must be fixed to the dashboard or partition screen of the licensed vehicle to enable the passengers to be able to easily identify the Driver.
   3. Upon expiry, revocation or suspension, the licence must be returned immediately.
   4. The badges remain the property of the Council at all times.
   5. Where a badge is lost or stolen, the Driver must obtain a replacement. This will be at the Driver’s own expense.
4. **COMPLIANCE WITH LEGISLATION**

Drivers must comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

1. **CHANGE OF ADDRESS OR OTHER CIRCUMSTANCES**

The Driver **must** notify the Licensing Team in writing of any of the following changes, within seven days of such changes taking place:

1. change of name
2. change of address
3. change of Operator
4. **ARRESTS, CONVICTIONS, CAUTIONS AND MOTORING OFFENCES**

The Driver **must** notify the Licensing Team within 48 hours of:

1. Any arrests, convictions, cautions, motoring or otherwise (including fixed penalty notices and penalty points, or attendance on a speed awareness course),
2. Any voluntary attendance at a Police interview in relation to a criminal investigation of which the Driver is a subject,
3. Their vehicle being stopped by the Police for any reason,
4. Any medical condition affecting their ability to drive. A medical examination may be required.
5. **CONDUCT**
6. When a passenger is in the vehicle, a Driver should not eat or drink in the vehicle.
7. The radio or other music shall not be played without the express permission of the hirer.
8. The Driver shall not without the express consent of the hirer, convey or permit to be conveyed, any other person in the vehicle.
9. **DEPOSIT OF LICENCE**

If a Driver is permitted to work for an Operator, they shall provide the Operator with a copy of their Council Driver’s licence before commencing work with that Operator.

1. **DISABILITY AWARENESS AND SAFEGUARDING COURSE**

It is a condition of the granting of a Hackney Carriage/Private Hire Driver Licence that the Driver must attend and complete both a Safeguarding and Disability Awareness training course. Existing Drivers who have not completed this training, must do so before the licence can be renewed. Drivers who cannot prove having completed the course, may be suspended until proof of attendance is provided. All necessary fees must be paid by the Driver.

1. **ENGLISH LANGUAGE ASSESSMENT**

All new applicants will be required to demonstrate that both their verbal and written English is to a standard acceptable to the Licensing Authority. The Authority may require an applicant to complete an approved English language assessment and pass it at a satisfactory standard, or provide evidence of an equivalent level qualification. The Authority may also require completion of an approved English language assessment where concerns are raised in respect of a licensed Driver’s verbal and/or written English skills.

1. **PREVENT TRAINING**

Drivers may be required to undertake PREVENT (anti-terrorism) training, at the discretion of the Licensing Authority, with a Council approved training provider.

1. **DVLA DRIVING LICENCE**

Any Driver whose DVLA driving licence has been suspended or revoked must immediately notify the Licensing Authority and will automatically have their Private Hire Driver Licence suspended by an Authorised Officer. Drivers must return their badge to the Licensing Team. When considered in accordance with the Penalty Points policy, if eligible, the Driver may be required to appear before the Licensing Committee for the licence application or reinstatement to be considered.

1. **FARE TO BE CHARGED**

The Driver shall not exceed the fare agreed between the hirer and the Operator.

1. **GENERAL LICENCE CONDITIONS**

All Drivers shall operate strictly within the terms of any licence issued under the terms and conditions of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and Conditions issued by the Council.

1. **INVESTIGATIONS**

The Driver shall cooperate fully in the investigation of complaints against them. An Authorised Officer of the Licensing Authority will arrange an interview, normally at the Council offices or other pre-agreed location. Drivers agree to produce any information reasonably requested during the course of such investigation. Failure to do so may be subject to further action.

1. **LOST PROPERTY**

The Driver shall immediately after the termination of any hiring of the vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there. Any property found must be handed to the Police within 24 hours.

1. **OPERATORS**
2. Drivers are responsible for ensuring that the Operator they are working for has a valid Private Hire Operator Licence and that the Private Hire Vehicle is insured for their use.
3. A licensed Driver who holds an Operator licence must comply with all the conditions and requirements of that licence even when working for another Operator under a sub contract.
4. Drivers must provide a copy of their Driver’s licence to the Operator before starting work.
5. Drivers must surrender the licence and badge to the Licensing Team immediately upon ceasing work as a Driver.
6. **PUNCTUAL ATTENDANCE**

Any Driver who has been pre-booked for a journey shall attend as appointed.

1. **REASONABLE ASSISTANCE**

The Driver shall, when requested by any person hiring the vehicle:

1. convey a reasonable quantity of personal luggage;
2. afford reasonable assistance in loading luggage at the journey commencement point;
3. afford reasonable assistance in removing the luggage at the drop off point.
4. **RECEIPTS**

Any passenger requesting a receipt for payment made will be provided with a receipt showing the date and the fare paid, and the Driver’s signature. It shall be in such a form as to identify the company and/or individual providing the receipt.

1. **RENEWALS**

Completed renewal applications and the required fee must be submitted with all of the additional documentation no later than 4 weeks prior to the licence expiry date.

1. **RESPONSIBILITY TO RESIDENTS**

To avoid nuisance when picking up or waiting for a fare, particularly during hours of darkness, a Driver shall:

* Keep the volume of radio or music playing to a minimum;
* Switch off the engine if required to wait;
* Take whatever additional action is reasonably necessary to avoid disturbance to residents in the neighbourhood.

1. **SMOKING/VAPING**

No smoking is allowed in any licensed or work vehicles. No vaping shall be allowed in the vehicle at any time.

1. **SOUNDING THE HORN**

A licensed Driver shall not sound their horn to announce their presence to the hirer.

1. **SUB-STANDARD DRIVING**

Complaints received regarding sub-standard driving may result in a requirement to undertake a further driving assessment, which will be at the Driver’s expense. Failure to pass this assessment is a reasonable cause to suspend or revoke a licence.

1. **SUSPENSION AND REVOCATION**

A revoked or suspended licence MUST be surrendered to the Council on demand.

1. **TOUTING AND SOLICITING**

The Driver shall not, whilst driving or in charge of a Private Hire Vehicle:

1. Tout or solicit any other person to hire, or be carried for hire in any Private Hire Vehicle
2. Cause or procure any other person to tout or solicit any person to hire or be carried for hire in any Private Hire Vehicle.
3. Ply for hire or use any taxi rank.
4. **VEHICLE PLATES**
5. The Driver shall not convey or permit to be conveyed any greater number of passengers than specified on the plate affixed to the vehicle.
6. The Operator nor Driver shall not wilfully or negligently cause or suffer any internal or external licence plate or number to be concealed from public view while the vehicle is hired. Nor shall they cause or permit the vehicle to be on hire with any such plate so defaced that any figure or material particular is illegible.

**Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates’ Court within 21 days of the issue of the licence.**

**HACKNEY CARRIAGE VEHICLE – LICENCE CONDITIONS**

**The Proprietor is responsible for**

* + 1. **RENEWALS**

Renewal applications and the fee must be submitted no later than 2 weeks prior to the licence expiry date. Failure to ensure the application is submitted and the fee is paid in time could result in the licence renewal being delayed.

* + 1. **VEHICLE STANDARDS**

The Proprietor of the vehicle must maintain the mechanical fitness, repair and cleanliness of the interior and the exterior of the vehicle, including the paintwork, in a clean, sound and damage free condition.

* + 1. **ADVERTISING SIGNS**

Advertising signs will only be permitted on or in the vehicle with prior written approval of the Council.

* + 1. **LICENCE AND INSURANCE**

1. The Proprietor must ensure that every person who drives the vehicle is properly licensed and insured.
2. Upon the request of a Licensing Officer, Police Officer or other authorised person, the proprietor shall produce their:

* Insurance certificate
* V5 Vehicle registration document
* MOT test certificate

1. The proprietor must ensure that the vehicle is properly insured for the duration of the licence.
   * 1. **INVESTIGATIONS**

The proprietor shall co-operate fully in the investigation of complaints including attending the office, or other pre-agreed location, for interview, production of documents or information reasonably requested. This will include attending the Council offices to produce such information requested during the course of an investigation.

* + 1. **ALTERATIONS**

Once a licence has been granted, no material alteration or change in the specification design condition or appearance of the vehicle shall be made without the prior approval of the Council.

* + 1. **HACKNEY CARRIAGE VEHICLE EXTERNAL LICENCE PLATES**

The vehicle must display a licence plate as prescribed by the Council. This plate and the licence it represents, will be owned by the licensing authority.

1. Licence Plates must be secured to the rear of the vehicle below the window line.
2. Plates must be clearly visible at all times.
3. When renewing, the old licence plate must be exchanged for the new plate.
4. Lost or damaged plates must be immediately replaced at the owner’s expense.
5. Plates must not be removed without written consent.
6. Plates must only be used on the vehicle they were issued to.
7. The Driver must not carry more than the number of passengers specified on the plate.
8. In the event of revocation or suspension, the owner of the vehicle must return the licence plate.
9. Proprietors must not permit the use of the vehicle otherwise than in compliance with the above conditions.
   * 1. **HACKNEY CARRIAGE VEHICLE - INTERNAL LICENCE**

The vehicle must display an internal licence as prescribed by the Council.

1. The internal licence plate shall be displayed in the front windscreen of the vehicle
2. Plates must be clearly visible at all times.
3. When renewing, the old licence plate must be exchanged for the new plate.
4. Lost or damaged plates must be immediately replaced at the owner of the vehicles’ expense.
5. Plates must not be removed without written consent.
6. Plates must only be used on the vehicle they were issued to.
7. The Driver must not carry more than the number of passengers specified on the plate.
8. In the event of revocation or suspension, the owner of the vehicle must return the licence plate.
9. Proprietors must not permit the use of the vehicle otherwise than in compliance with the above conditions.
   * 1. **COLLISION (ACCIDENT) REPORTING**

Collisions resulting in damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried shall be reported to an Authorised Officer within 72 hours of the accident occurring on the prescribed form.

* + 1. **ASSISTANCE DOGS**

No Driver may refuse to carry an assistance dog which is in the charge of a fare paying passenger and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or a person training such a dog.

* + 1. **CHANGE OF ADDRESS OR OF OWNERSHIP AND PROPRIETOR CONVICTIONS**

The Proprietor must inform the Council in writing within 7 days of:

* The sale and name and address of the new owner
* Their change of address, before the change if possible,
* The Proprietor shall disclose to the Council in writing details of any conviction imposed on him/her (or, if the Proprietor is a company or partnership, on any of the directors or partners) during the period of the licence

But no more than 7 days afterwards in either case.

* + 1. **ARRESTS, CONVICTIONS, CAUTIONS AND PENALTY POINTS**

1. All Drivers must notify the Council in writing of any conviction or caution recorded against them or of any penalty points incurred, or attendance on a speed awareness course, within 7 days of such event.
2. If a Driver is arrested for any offence, voluntarily attends a Police interview in relation to a criminal investigation of which the Driver is a subject, or has their vehicle stopped by the Police for any reason, even if they are not charged, they must notify the Licensing Authority within 48hours.
   * 1. **DOCUMENTS**

When a vehicle is available for or being used for hire, the following must be carried in the vehicle:

1. Dual Driver Licence issued by the council.
2. A duplicate identifying Driver Licence will be issued and must be displayed either in the front of the vehicle or on the partition screen between the Driver and passengers to enable the duplicate badge to be visible to them.
   * 1. **DRIVERS**

The Proprietor shall not cause or procure or permit any person who is not the holder of a current Hackney Carriage licence issued by the Council to drive a licensed Hackney Carriage Vehicle.

* + 1. **FIRE EXTINGUISHERS**

The proprietor of the Hackney Carriage shall provide and maintain an efficient, in date and suitable fire extinguisher (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF).

* + 1. **PASSENGERS**

1. The Proprietor or Driver shall not permit to be conveyed in the vehicle a greater number of persons exclusive of the Driver than the number of persons specified on the licence plate provided.
2. The Driver shall not allow any person, other than the hirer, to ride in the vehicle when it is on hire without the hirer’s consent.
   * 1. **ROOF SIGNS**
3. All vehicles (other than a purpose built taxi vehicle) shall be fitted with a double sided illuminated roof sign showing only the words in black lettering “TAXI” to the front and rear.
4. The sign must be illuminated when the vehicle is plying for hire, during the hours of darkness or where sidelights or headlights are necessary (i.e. fog).
5. The illuminated roof sign shall work with the taximeter so as to extinguish when hired.
   * 1. **SIGNS, PLATES AND BADGES**

All badges, plates or signs provided by the Council remain the property of the Council at all times and must be returned immediately when requested to do so by an Authorised Officer.

* + 1. **SMOKING/VAPING**

No smoking is allowed in any licensed or work vehicles. No vaping shall be allowed in the vehicle at any time.

* + 1. **TABLE OF FARES (TARIFF)**

The proprietor shall ensure that a copy of the current Table of Fares (Tariff) supplied by the Council is exhibited inside the carriage at all times in such a manner and place that the particulars thereon are clear and visible to any passenger being conveyed in the vehicle.

* + 1. **TAXIMETER**

From 1 April 2023 the vehicle must be fitted with a taximeter and it shall not be used for hire unless such taximeter has been tested and approved by the Council or their authorised agents. All taximeters shall comply with the following:

1. All Hackney Carriage Vehicles shall require a calendar controlled tariff taximeter;
2. The taximeter shall be calibrated and sealed with a tamper evident seal following a change to the Table of Fares.

A record, in a form prescribed by the Licensing Authority, shall be made of the meter inspection that takes place. A copy of the record must be provided to the Licensing Authority.

* + 1. **VEHICLE MAINTENANCE**

1. Exterior Bodywork and Wheel trims - The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer’s original specification.
2. Upholstery - All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim.
3. Fittings - All fittings shall be properly maintained and in good working order. Fittings include litter containers, clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair users.
   * 1. **VEHICLE TESTING**

All Hackney Carriage vehicles must be tested to ensure that they are mechanically sound, road-worthy and safe for use as a Hackney Carriage vehicle. This shall be carried out at an approved MOT test centre.

Vehicles will be required to be tested:

* + - * Up to 7 years old, once a year (from date of first registration, as specified on the V5 registration document);
      * Over 7 years old, twice a year.
    1. **COMPLAINTS**

All Proprietors and Operators must maintain a record of all complaints received. This may be electronic or written. If written it will comprise of bound numbered pages. Each complaint will contain the following information:

* + - Date and time of incident
    - Location of incident
    - Details of complainant including contact details
    - Driver details and licence number
    - Details of the complaint
    - Outcome of investigation

Where the nature of the complaint amounts to an offence e.g. public order, traffic violation, assault, taxi related offence etc, the licensing authority must be informed as soon as possible.

Proprietors and Operators are legally obliged[[1]](#footnote-1) to co-operate with any enquiry by the Authority and disclose records relating to complaints where lawfully required to do so. Any refusal, undue delay or obstruction to that investigation may bring into question the suitability of the licence holder to remain so which may lead to prosecution, suspension or revocation of the licence or referral to the Regulatory Committee.

**Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates’ Court within twenty-one days from the date of issue of the licence.**

**PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

**RENEWALS**

A full application for renewal of a licence, together with the documents as required by this policy, shall be submitted together with the appropriate fee not later than 2 weeks prior to the expiration of the current licence.

**VEHICLE STANDARDS**

The vehicle owner must maintain the mechanical fitness, repair and cleanliness of the interior and the exterior of the vehicle, including the paintwork, in a clean, sound and damage free condition.

**ADVERTISING SIGNS**

Advertising signs whether on or in the vehicle, will only be permitted with prior written approval from the Licensing Authority.

**ROOF SIGNS**

Roof Signs or Roof Bars will only be permitted with the prior written approval of the Licensing Authority.

**LICENCE AND INSURANCE**

* 1. The owner shall ensure that every person who drives the vehicle is properly licensed and insured for private hire use.
  2. The owner must upon request produce the appropriate insurance documents, V5 registration document and MOT test certificate for inspection by Police or any Authorised Officer of the Council.
  3. The owner must ensure that the vehicle is properly insured for the duration of the licence.

**INVESTIGATIONS**

The owner shall co-operate fully in the investigation of complaints by an Authorised Officer and shall attend the Council Offices to produce any information reasonably requested during the course of such investigation.

**ALTERATIONS**

Once a licence has been granted, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council.

**PRIVATE HIRE VEHICLE - EXTERNAL LICENCE PLATE**

The vehicle must display a licence plate as prescribed by the Council. This plate and the licence it represents, will be owned by the licensing authority.

1. New and renewal Plates must be secured to the rear of the vehicle below the window line
2. Plates must be clearly visible at all times.
3. When renewing, the old licence plate must be exchanged for the new plate.
4. Lost or damaged plates must be immediately replaced at the owners’ expense.
5. Plates must not be removed without written consent.
6. Plates must only be used on the vehicle they were issued to.
7. The Driver must not carry more than the number of passengers specified on the plate.
8. In the event of revocation or suspension, the owner of the vehicle must return the licence plate to the Council.
9. Owners must not permit the use of the vehicle otherwise than in compliance with the licence conditions.

**PRIVATE HIRE VEHICLE - INTERNAL LICENCE**

The vehicle must display an internal licence as prescribed by the Council.

1. The internal licence plate shall be displayed in the front windscreen of the vehicle
2. Plates must be clearly visible at all times.
3. When renewing, the old licence plate must be exchanged for the new plate.
4. Lost or damaged plates must be immediately replaced at the owners’ expense.
5. Plates must not be removed without written consent.
6. Plates must only be used on the vehicle they were issued to.
7. The Driver must not carry more than the number of passengers specified on the plate.
8. In the event of revocation or suspension, the owner of the vehicle must return the licence plate to the Council.
9. Owners must not cause or permit the use of the vehicle otherwise than in compliance with the above and below conditions.

**ELECTRONIC COMMUNICATIONS AND DIGITAL BOOKING SYSTEMS**

Where a journey pre-booked and confirmed by digital technology, i.e. email, SMS or via an app, vehicle details including the Licence number, vehicle registration and how to make a complaint must be sent to the customer when the booking is confirmed. Proprietors who operate via a website or mobile application provide information about how to make a complaint on that website or application, as applicable.

**COLLISION (ACCIDENT) REPORTING**

Collisions resulting in damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried shall be reported to the Council within 72 hours of the accident occurring.

**CHANGE OF ADDRESS AND CHANGE OF OWNERSHIP**

The owner must inform the Licensing Team within 7 days of:

1. Their change of address (before the change if possible).
2. Sale of any licensed vehicle to include the name and address of the new owner

**DOCUMENTS**

When a vehicle is available for or being used for hire, the following must be carried in the vehicle:

1. Driver’s Licence issued by the council. Worn as prescribed to be clearly visible.
2. A duplicate identification badge which will be issued and must be fixed to the dashboard or partition screen to enable the passengers to be able to easily identify the Driver.

**FIRE EXTINGUISHERS**

The owner of the licensed Vehicle shall provide and maintain an efficient, in date and suitable fire extinguisher (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF).

**PASSENGERS**

* 1. The owner or Driver shall not permit or carry a greater number of persons than the number of passengers the licence plate specifically permits.
  2. The Driver shall not allow any person other than the hirer, to ride in the vehicle when it is on hire without the hirer’s consent.

**ISSUED BADGES, PLATES AND SIGNAGE**

All badges, plates and signage provided by the Council remain the property of the Council at all times and must be returned immediately when requested to do so by an Authorised Officer.

**SMOKING/VAPING**

No smoking is allowed in any licensed or work vehicles. No vaping shall be allowed in the vehicle at any time.

**VEHICLE MAINTENANCE**

* 1. Exterior Bodywork and Wheel trims - The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer’s original specification.
  2. Upholstery - All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim.
  3. Fittings - All fittings shall be properly maintained and in good working order. Fittings include litter containers, clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair users.

**VEHICLE TESTING**

All Private Hire Vehicles must be tested to ensure that they are mechanically sound, roadworthy and safe for use as a Private Hire Vehicle. This shall be carried out at an approved MOT test centre.

These mechanical tests will be required for a vehicle:

* + - * Up to 7 years old, once a year (from date of first registration, as specified on the V5 registration document);
      * Over seven years old, twice a year.

**Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates’ Court within twenty-one days from the date of issue of the licence.**

**PRIVATE HIRE OPERATOR LICENCE CONDITIONS**

* + 1. **GENERAL CONDITIONS**

1. The Operator must ensure that all Private Hire Drivers and employees are aware of the meaning of plying for hire and that Private Hire Drivers are not permitted to ply for hire under any circumstances.
2. The Operator must not accept any booking made by a Driver on behalf of a customer.
   * 1. **RECORDS TO BE KEPT BY THE OPERATOR**
3. The records required to be kept by the Operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept electronically or in a suitable pre-numbered book or other means approved by an Authorised Officer of the licensing authority, and shall be produced for examination on demand.
4. (i) An Operator who takes a booking made by another Operator is acting as a sub-contractor for the first Operator. The Operator who accepted the booking remains the role of contractor with the client, and remains responsible for the satisfactory completion of the contract.

Full records must be kept of the booking and the company that were sub contracted.

* + 1. The company who receive the sub-contract booking must keep a record of the booking referred to them by the first Operator.
  1. A Driver who works for an Operator but who also holds their own Operator’s licence is regarded as working for the other Operator as a sub-contractor, and is responsible for keeping their own records as required below.
  2. The Operator shall enter in the record book, before the commencement of each journey, the following particulars of every booking of a Private Hire Vehicle accepted by them:
* the name of the passenger;
* the time of the request;
* the pick-up point;
* the destination;
* the name of the Driver;
* the Driver’s licence number;
* the vehicle registration number of the vehicle;
* the name of any individual that responded to the booking request;
* the name of any individual that dispatched the vehicle.
  1. The Operator may keep records of bookings in a suitable Council approved computer programme. This must be available for inspection on demand. All records must be retained for a minimum of 3 years.
  2. The Operator shall keep a record of all Private Hire Drivers used by them.
  3. These records shall include:
* Name and current address of the Driver.
* Driver’s DVLA licence details.
* Driver’s Private Hire Driver licence number and date of expiry.
* Date the Driver started working for that Operator.
* Date the Driver ceased to work for that Operator.
  1. The Operator shall hold a copy of the Driver’s Private Hire Driver Licence during the period that they work for them.
  2. The Operator shall keep records of all Private Hire Vehicles operated by them.
  3. These shall include:
* Details of the owner
* Registration number and licence plate number
* Details of the Private Hire Vehicle licence, including the date of expiry
* Driver
* Any radio call sign used.
* Date the Operator started to use the vehicle.
* Date the Operator ceased to use the vehicle.
  1. The Operator shall keep all records for a period of 3 years.
  2. The Operator shall hold a copy of the owner’s Private Hire Vehicle Licence during the period that they utilise such vehicle.
     1. **COMPLAINTS:**
  3. All Proprietors and Operators must maintain a record of all complaints received. This may be electronic or written. If written it will comprise of bound numbered pages. Each complaint will contain the following information:
     + Date and time of incident
     + Location of incident
     + Details of complainant including contact details
     + Driver details and licence number
     + Details of the complaint
     + Outcome of investigation
  4. Where the nature of the complaint amounts to an offence e.g. public order, traffic violation, assault, taxi related offence, etc the Licensing Authority must be informed as soon as possible.
  5. Proprietors and Operators are legally obliged[[2]](#footnote-2) to co-operate with any enquiry by the Authority and disclose records relating to complaints where lawfully required to do so. Any refusal, undue delay or obstruction to that investigation may bring into question the suitability of the licence holder to remain so which may lead to prosecution, suspension or revocation of the licence or referral to the Regulatory Committee.
     1. **ELECTRONIC COMMUNICATIONS AND DIGITAL BOOKING SYSTEMS**
        + 1. Where a journey pre-booked and confirmed by digital technology, i.e. email, SMS or via an app, vehicle details including the licence number, vehicle registration and how to make a complaint must be sent to the customer when the booking is confirmed.
          2. Operators who operate via a website or mobile application provide information about how to make a complaint on that website or application, as applicable.
     2. **CONDUCT OF THE OPERATOR**

1. The Operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change.
2. No Operator may change the address from which they operate without the prior agreement of the Council and all licence requirements being met.
3. The Operator shall notify the Council of the sale of the business within seven days of such event taking place and the detail of the new business owner.
4. The Operator shall disclose to the Council in writing within seven days details of **any** convictions or cautions, motoring or otherwise that they receive.
5. The Operator should advise the Council of changes of Drivers within seven days of the change.
   * 1. **DEPOSIT OF DRIVER AND VEHICLE LICENCES**
6. Any Operator who employs or permits any person to drive any licensed vehicle owned by them on their behalf, must be able to prove that the Driver is properly licensed. This could be by keeping a copy of the Driver’s Council issued licence.
7. Any vehicle employed or used by an Operator must be licensed and the owner of the vehicle shall deposit a copy of their vehicle licence with the Operator during the period that the vehicle is employed or used.
8. The Operator must return the licence to the vehicle proprietor at the end of the period.
9. A licensed Driver, driving a licensed vehicle, who is also a licensed Operator, may retain their own licences whilst sub-contracting for another Operator. It remains the responsibility of the Operator holding the contract for a hiring to ensure that they utilise properly licensed Drivers and Vehicles, even when they sub-contract that hiring to another Operator.
   * 1. **PLANNING PERMISSION**

The Operator is recommended to ensure that all their premises have (where planning legislation requires it) a valid planning permission authorising the carrying out of business from the premises.

The grant of an Operator’s licence does not authorise the use of premises without planning permission.

* + 1. **NOTICES**

The Operator shall clearly display on all their premises their licence to operate Private Hire Vehicles or a copy of the same and also clearly display a copy of these licence conditions.

* + 1. **HIRINGS**

The Operator shall provide a prompt efficient and reliable service to members of the public at all reasonable times and:

1. 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;
2. keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purposes of booking or waiting;
3. ensure that where offices are open to the public for bookings that adequate seating facilities are provided;
4. ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly; and
5. not permit people who are drunk to remain on the premises.
   * 1. **RECORDS**

All records kept by the Operator shall be kept for a period of 3 years.

The Operator may, with the prior approval of the Council, keep the above records on a suitable computer providing the records may be available to an Authorised Officer on demand.

When the Operator accepts the hiring he/she shall immediately prior to the commencement of the journey, enter all the details onto the computer system or legibly in ink in if manual records are kept. Records must be in the form prescribed.

* + 1. **VEHICLES**

1. The Operator shall ensure that all vehicles operated by them comply with the conditions of the vehicle licence and shall immediately notify the Council of any damage to vehicles, howsoever occurring as soon as they becomes aware of such damage.
2. The Operator shall notify the Council in writing within seven days of the operation of any additional Private Hire Vehicle, or termination of the operation of any Private Hire Vehicle.
3. The Operator shall ensure that every Private Hire Vehicle operated by them is covered by a Certificate of Insurance or cover note for hire and reward purposes at all times.
   * 1. **EMPLOYMENT OF OFFICE/DISPATCH STAFF**
   1. The Operator shall ensure that all office or dispatch staff provide a DBS check prior to their employment with the Operator.
   2. Operators must evidence that a basic DBS check has been conducted. A copy of the DBS Certificate for all office staff and dispatch staff, must be provided to the Licensing Team before the commencement of their employment.
   3. An up to date register of office and dispatch staff must be kept at the Operator base.
      1. **COMPLAINTS**
4. The Operator shall keep a formal record of complaints made by the public. The system may be a prior approved electronic system, a book or ledger with consecutively numbered pages. The Operator must produce the complaints record book or ledger at the request of any Authorised Officer of the Council, or any Police Officer for inspection. The Operator or his nominated representative shall be responsible for the investigation of all complaints.
5. The Operator shall on receipt of any complaint from a member of the public (whether received personally, on the telephone or in writing) relating to any one or more of the following:
   1. the Operator’s business premises;
   2. their facilities within their premises;
   3. the state of cleanliness of any of their vehicles or Drivers;
   4. the terms and conditions of any contract or purported contract of hire;
   5. any other matter relating to any contract or purported contract for hire;
   6. any other matter relating to their business;

immediately notify the complainant of their right to forward the complaint to the Council.

1. The Operator shall on receipt of any complaint enter the following particulars of every complaint received by them in the complaints book or ledger:
   1. The date and time the complaint was received;
   2. the name and address of the complainant;
   3. how the complaint was made (i.e. personally, by telephone or in writing)
   4. the details of any relevant booking relating to the complaint;
   5. full details of the complaint, vehicle and Driver.
2. The Operator shall promptly investigate any complaint received and notify the complainant in writing of the outcome of their investigations and any measures they propose to take to remedy the complaint. The Operator shall record the action taken in the record complaints book or ledger.
3. When a complaint is received by the Council and is investigated by an Authorised Officer of the licensing authority, the Operator shall comply with all reasonable requests of the officer in respect of that complaint.
   * 1. **INSURANCE**

The Operator shall, at all times, ensure that Public Liability insurance to the value of £5 million pounds is in place in respect of the Operator business.

* + 1. **CONVICTIONS**

1. The Operator shall disclose to the Council in writing within 48 hours, details of any arrest or convictions imposed on them.
2. The Operator shall disclose to the Council any information they receive regarding the arrest, voluntary attendance at a Police interview in relation to a criminal investigation of which the Operator is a subject, penalty points or conviction of any Driver utilising their Operator licence, or the stopping of any licensed vehicle by the Police for any reason.
   * 1. **ADVERTISING**
   1. The Operator shall ensure that all Private Hire Vehicles operated by them do not display any advertising on roof signs whatsoever.
   2. Advertising on the vehicle must only be with the prior written approval of the Council.
      1. **RENEWALS**

Renewal applications and the fee must be submitted with all supporting documentation, no later than 2 weeks prior to the licence expiry date.

* + 1. **SUSPENSION AND REVOCATION OF OPERATOR LICENCES**

The Council may suspend or revoke or refuse to renew a licence on the following grounds:

1. The commission of an offence under, or non-compliance with, any provision contained within the relevant part of the Local Government (Miscellaneous Provisions) Act 1976.
2. Conduct of the Operator which in the view of the Council renders them unfit to hold an Operator’s licence.
3. Any material change in the Operator’s circumstances on the basis of which the licence is granted.
4. Any other reasonable cause (Section 62 Local Government (Miscellaneous Provisions) Act 1976).

**Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates’ Court within 21 days of the issue of the licence.**

### CCTV CAMERAS IN LICENSED VEHICLES

Hackney Carriage proprietors and Private Hire Vehicle owners may, subject to the written approval of the Council and in compliance with any separate CCTV policy, install and use a visible Closed Circuit Television surveillance camera in their vehicles for the purposes of personal safety and as a deterrent only. The legislation relating to the provision of CCTV in licensed vehicles is currently under review. These conditions are therefore subject to change following the introduction of any relevant legislation.

The installation and operation of CCTV shall comply with the requirements of the [Information Commissioner’s CCTV Code of Practice](https://ico.org.uk/for-organisations/guide-to-data-protection/).

**Installation**

All equipment must comply with any legislative requirements in respect of motor vehicle construction and use regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or Driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

CCTV equipment should be e-marked or CE marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the Driver, passenger or other road users.

**Image security**

Images captured must remain secure at all times. The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner’s Office (ICO) that “data controllers” ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

**Retention of CCTV images**

The CCTV equipment selected for installation must have the capability of retaining images either:

* within its own hard drive
* using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card
* or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider’s monitoring centre

Images must not be downloaded onto any kind of portable media device (eg CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

**Use of information recorded using CCTV**

The data controller is responsible for complying with all relevant data protection legislation. The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these guidelines.

Requests may be made by the police or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to the “data controller” to view captured images. The data controller is responsible for responding to these requests. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the Data Protection Act 2018, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a ‘subject access request’. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

**Signage**

If an approved camera is fitted:

1. The vehicle owner or proprietor must register with the Information Commissioner’s Officer (ICO)
2. A sign must be displayed outside the vehicle to warn prospective customers of the possible use of the surveillance camera.
3. Similar signs shall be displayed inside the vehicle, visible to passengers, stating ‘Closed Circuit TV surveillance in operation’.

In accordance with the Information Commissioners document (at page 37) “A data protection code of practice for surveillance cameras and personal information”, it states a sign must include the following:

* The purposes of the scheme
* The name of the Data Controller
* The Data Controller’s contact telephone number/email
* That it includes audio recording

**Audio Recording**

Audio recording should only be used in exceptional circumstances where there is a demonstrated need and must be in compliance with the Information Commissioner’s Office guidance.

**Guidance**

### Vehicle owners and proprietors who wish to consider the installation of CCTV Cameras may like to familiarise themselves with the following documents:

### [cctv-code-of-practice.pdf (ico.org.uk)](https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf)

### [Surveillance Camera Code of Practice (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/282774/SurveillanceCameraCodePractice.pdf)

### [Code of practice - A guide to the 12 principles (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/368115/Leaflet_v6_WEB.pdf)

### [12\_principles\_diagram\_v3.pdf (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/409290/12_principles_diagram_v3.pdf)

**ENFORCEMENT**

We recognise that well-directed enforcement activity not only benefits the public but also responsible members of the Hackney Carriage and Private Hire Vehicle trades.

The Council will follow the principles laid out in the Regulators’ Code:

[Regulators' Code - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/regulators-code)

The Licensing Authority shall take enforcement action where it considers it necessary and proportionate to do so. Enforcement will be risk-based, intelligence-led and targeted and managed in line with the Council’s own Enforcement Policy (available on the website).

In addition, the Council has a long established Council Penalty Points system which is used for less serious breaches. A copy of the Penalty Point system can be found at **Appendix 3.**

**The Council also operates a ‘Vehicle Defect Scheme’**

A vehicle which fails an inspection/safety check during the currency of a licence with Broadland District Council will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection. Failure to ensure that the vehicle is re-inspected and passes the check will lead to the automatic revocation of the vehicle licence.

A vehicle may be inspected by an Authorised Officer of the Council or a Police Officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give an **Unfit Vehicle Notice** to the proprietor/Operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the Authorised Officer or police officer is so satisfied. If the Authorised Officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence will be revoked under s60 of Part II, Local Government (Miscellaneous Provisions) Act 1976 and a notice of revocation and the grounds for the revocation will be issued to the responsible person. An Authorised Officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).

A record of any enforcement and/or disciplinary action taken, whether formal or informal, will be recorded on the licence holder’s file and in the event of formal action becoming necessary, will be brought to the attention of the Licensing Committee, Sub-Committee or the Court.

The Civil burden of proof applies to matters brought before the Licensing Committee (less stringent than for criminal matters). This means that a case will be considered “on balance of probability” when formal action is taken.

It should be noted that some circumstances will necessitate the need to consider and take formal action immediately in certain cases, for example where a series of breaches or a more serious offence or breach is occasioned.

**APPENDIX 1 Consideration of Previous Convictions or Cautions for Licensing Hackney Carriage or Private Hire Drivers**

A Driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions, cautions or unacceptable behaviour will be taken into serious consideration before a licence is granted or retained.

Where an applicant has any conviction, or caution, reprimand, warning or other reprehensible behaviour which could indicate a pattern or tendency irrespective of time since the conviction (caution, reprimand, warning or other reprehensible behaviour), serious consideration will need to be given as to whether they are a safe and suitable person.

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

| OFFENCE | REQUIRED STANDARDS |
| --- | --- |
| **Crimes resulting in death OR**  **Intention to cause death or serious injury of another person** | 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 exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.** |
| **Offences involving violence** | Where an applicant has a conviction for an offence of violence, 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.** |
| **Sex and indecency offences** | Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency,  **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 of dishonesty, or 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 will also have to undergo drugs testing, with a Council approved provider 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. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously.  A single occurrence of a minor traffic offence may not prohibit the grant of a licence or may not result in action against an existing licence.    **Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.** |
| **Drink driving/driving under the influence of drugs/using a hand‐held telephone or hand held device whilst driving** | 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 these circumstances, any applicant will also have to undergo drugs testing, with a Council approved provider at their own expense to demonstrate that they are not using controlled drugs.**  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, or * does not involve driving under the influence of drink or drugs,   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 also 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 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 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.** |

**Data Protection Requirements and Consideration of Previous Convictions, Cautions etc for Private Hire Operators and their staff**

**Data Protection Act 2018 and the U.K. General Data Protection Regulation (GDPR)**

A private hire Operator (“an Operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the Private Hire Vehicle (except where they are also licensed and act as a Private Hire Driver).

However, in performing their duties 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 other unacceptable purposes. Operators must only use any personal data held by them as necessary in the course of their business.

Operators must ensure that all staff employed within the business (either as direct employees or as independent contractors) comply with the above requirements under data protection legislation.

**Basic Criminal Records Check**

All staff employed within the business (either as direct employees or independent contractors) who have access to personal information will be subject to a basic criminal records check conducted with the Disclosure and Barring Service (DBS).

Where an applicant or employee has any conviction, caution, reprimand, warning or has behaved reprehensibly, serious consideration will need to be given as to whether they are a safe and suitable person to hold a licence or carry out duties under the terms of a Private Hire Operator licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the Council’s Convictions Policy will be applied to Operators in the same way as it is applied to Drivers, as outlined above.

**Consideration of Previous Convictions or Cautions for Vehicle Proprietors**

Vehicle proprietors (both Hackney Carriage and private hire) have two principal responsibilities.

Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to Drivers, which are outlined above.

**APPENDIX 2 SAFEGUARDING CODE OF CONDUCT**

Private Hire Vehicle and Hackney Carriage Drivers (referred to in this document as Drivers) are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its Licensing Team and Committees, must ensure that all Drivers are ‘fit and proper’ to undertake their work as Drivers and that they also act as ambassadors for the district. It is essential that the Council and Drivers work together in order to ensure members of the public are treated with dignity and respect and that any concerns about the welfare of passengers is reported.

On occasion, Drivers may become aware of, or have suspicions that, their passengers are the victim of abuse, neglect or exploitation, either sexual or otherwise, or at risk of becoming a victim. In addition, Drivers themselves may be accused of misconduct or inappropriate behaviour through the possible misinterpretation of the Driver’s actions or conversation.

Therefore, Broadland District Council has introduced this **Code of Conduct** which is aimed at protecting both passengers and Drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately as well as minimising the risks for Drivers. Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the Driver being referred to the Licensing Committee. In the event of a repeated and/or serious failure to comply, Drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the Code does not override any obligations enshrined in legislation, licence conditions or contractual obligations, such as County Council contracts.

### Drivers should:

* Act in a professional manner at all times
* Treat passengers and other road users with respect
* Keep relationships with passengers on an appropriate, professional basis
* Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity

### And comply with the relevant conditions specified for each of:

* Ensure the safety and well-being of passengers
* use appropriate language
* Be mindful of the vulnerability of children and adults and Passengers with special needs
* Comply with any instruction given about the care or first aid requirements of a passenger
* Respect personal beliefs and standards, including dress and religion
* Beware of actions which may be misread by Passengers

### Drivers should never:

* Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism
* Inappropriately touch a passenger, unless in an emergency situation, or if required to do so because of the additional needs of the passenger
* Photograph or video passengers in their care unless used in compliance with data protection legislation and any relevant Codes of Practice issued by the Home Office or Information Commissioner’s Office
* Engage with passengers through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games (other than for clear and obvious business connections)
* Phone or send text messages to passengers other than directly concerning the hiring of their vehicle
* Swear, make personal or humiliating comments, or tell inappropriate jokes in person or by any other means e.g. social media
* Offer cigarettes or gifts of any sort
* Stop anywhere other than the specified pick up/drop off points unless requested by the hirer
* Show passengers videos or pictures on their mobile phone or any other electronic device

### Safeguarding:

If a Driver has concerns or suspects abuse, neglect or exploitation of a passenger then these concerns should not be ignored. The safeguarding of children and vulnerable adults is everybody’s responsibility. Remember that your information could help a vulnerable child or adult.

If a Driver is working in accordance with a Norfolk County Council contract then documents and guidance procedures issued by that Council should be followed in addition to any training received by the Driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have:

### Action to be taken if a Driver has concerns:

* If a Driver’s concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on **999** (or **112** from a mobile telephone).
* If a Driver is concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation please call the Licensing Team.
* If a Driver would prefer to speak to the police then call them on
  + **101** and follow the directions for Norfolk Constabulary.

**APPENDIX 3 PENALTY POINTS SYSTEM**

The penalty points which can be imposed on the Drivers of Private Hire Vehicles and Hackney Carriages, proprietors of Vehicles and Operators of Private Hire Vehicles are shown below. This system is designed as an aid to ensure continued public safety and to give the individual concerned a chance to rectify any relatively minor breaches of licence conditions without the need to resort straight to suspension/revocation or prosecution. The intention is to encourage all Drivers to apply high standards during day to day driving activities, in particular to comply with the requirements of the licensing conditions.

If an individual concerned accrues a total of 9 points within a 3 year period then he/she will automatically be referred to Committee to show just cause why their licence should continue. Individuals may also be brought before the Committee at the discretion of the Authorised Officer.

| **Infringement** | **Driver** | **Proprietor** | **Operator** |
| --- | --- | --- | --- |
| Failing to wear a Combined Private Hire/Hackney Carriage badge on their person where it is clearly visible at all times when under hire or available for hire | 3 | 0 | 0 |
| Failing to notify the Licensing Team, in writing within 7 days, of any points or convictions being imposed | 3 | 0 | 6 |
| Failing to notify the Licensing Team, in writing, of a change of address within 7 days | 3 | 3 | 3 |
| Failing to notify the Licensing Team in writing, of being involved in an accident within three working days of the accident occurring | 6 | 6 | 0 |
| Failing to deal with lost property in the correct manner | 3 | 3 | 0 |
| Leaving a vehicle unattended on the rank | 3 | 0 | 0 |
| Failure to attend the Council Offices when directed by an Authorised Officer without reasonable excuse | 3 | 3 | 3 |
| Demanding more than agreed fare | 3 | 3 | 0 |
| Failure to notify the Licensing Team of any change in medical fitness to drive | 6 | 0 | 0 |
| Failing to attend at appointed time and place without sufficient cause | 3 | 3 | 0 |
| Failure to produce a valid insurance certificate/cover note within 7 days of request | 0 | 3 | 3 |
| Not having an appropriate Fire Extinguisher in the vehicle that is readily accessible to the Driver | 3 | 3 | 0 |
| Failure to have the required LOLER inspection completed on a vehicle /  Failure to report any defect identified as a result of a LOLER inspection. | 0 | 3 | 3 |
| Failure to display any Plates, Signs or Notices required by Broadland District Council | 0 | 3 | 0 |
| The issue of an Unfit vehicle notice for any reason other than for an accident | 0 | 3 | 0 |
| To smoke, vape or permit passengers to smoke or vape in a licensed vehicle. | 3 | 3 | 3 |
| Private Hire Operator failing to maintain their records in the correct format | 0 | 0 | 3 |
| Any breach of any term of this Policy by a Driver, Proprietor or Operator, which the Council deems, in its absolute discretion, to warrant 3 penalty points. | 3 | 3 | 3 |

**Glossary**

**Definitions of Terms**

**1847 Act** – Town Police Clauses Act 1847.

**1976 Act** – Local Government (Miscellaneous Provisions) Act 1976.

**AFFF** – Foam (AFFF – Aqueous Film Forming Foam) Fire Extinguishers are suitable for use on Class A (wood, paper, material & cloth) Fires & Class B (Flammable liquids: spirits, diesel, petrol etc). Each licensed vehicle must be fitted with an AFFF fire extinguisher.

**Authorised Officer/Agent** –An officer of the Council (or agent acting on behalf of the Council) authorised in writing, or Police Officer.

**Byelaws ­**– Hackney Carriage byelaws are specifically adopted by the Licensing Authority. They regulate how Hackney Carriages are to be furnished or provided.

**CCTV ­**– Closed Circuit Television.

**CSE** – Child sexual exploitation. Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships.

**Data Controller** – Any person or organisation that collects and processes the personal data of individuals is considered a 'data controller'.

**DBS** – The Disclosure and Barring Service is a non-departmental public body of the Home Office. The DBS is responsible for completing criminal records checks and issuing certificates which confirm an individual’s criminal record history. An **Enhanced disclosure** check shows full details of a person's criminal record such as cautions, reprimands, warnings, spent and unspent convictions.

**DfT** – The DfT (Department for Transport) is a government department which supports the transport network.

**Driver licence** – In relation to the Driver of a Hackney Carriage, a licence under section 46 of the Town Police Clauses Act 1847 and, in relation to the Driver of a Private Hire Vehicle, a licence under section 51 of Local Government (Miscellaneous Provisions) Act 1976.

**Dual Driver Licence** – this permits the holder to drive both a Hackney Carriage and a Private Hire Vehicle.

**DVSA** – The Driver and Vehicle Standards Agency is an executive agency of the Department for Transport and is responsible for setting and improving standards for driving, including the roadworthiness of vehicles.

**DVLA** – The Driver and Vehicle Licensing Agency is an executive agency of the Department for Transport and maintains registers of Drivers and vehicles in Great Britain.

**English Language Assessment –** The Authority will consider the following as equivalent level qualifications to an Authority approved English language assessment:

UK GCSE/O level (or equivalent) certificate, grades A\* to G.

UK AS-Level/A level certificate

UK BA Hons, BSc Hons degree or higher i.e. master's, PhD

UK HNC/HND qualification

ESOL, SELT and IELTS qualification showing English language skills equivalent to level B1 (CEFR) or higher.

UK NVQ/BTEC/City & Guilds qualification, along with confirmation from the awarding body that the qualification provided is equivalent to GCSE or above

The Authority will need to be satisfied that any qualification has been taught in English.

**Fit and Proper Person** – A standard that any licensed Driver must meet. The DfT defines this as, “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 at any time of day or night?”

**Hackney Carriage** – See Taxi.

**Hackney Rank/Stand** –A designated place adopted by the Council where Hackney Carriages can wait for the arrival of a hirer.

**Hirer** – The person entering into a contract with the Private Hire Operator or Hackney Carriage Proprietor/Driver for the purposes of completing a journey in a licensed vehicle.

**ICO** – Information Commissioner’s Office. The UK’s independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

**Identification plate** – The plate issued by the Council for the purpose of identifying the vehicle as a Private Hire Vehicle.

**IoL** – The Institute of Licensing is a membership body for licensing officers, licensing lawyers and the licensed trade.

**Mechanical Test ­**– All licensed vehicles, on first application and at renewal, must undergo and pass a mechanical test at an approved MOT test centre.

**Medical fitness** – All licensed Drivers must be assessed and certified as medically fit to the DVLA Group 2 standard.

**NALEO** – The National Association of Licensing and Enforcement Officers is a professional body for licensing officers.

**National Anti-Fraud Network Database (NR3)** – Launched by the Local Government Association, (LGA), NR3 has been created to keep track of all major penalties incurred by Hackney Carriage and Private Hire Drivers. The first of its kind, it works nationwide. Operated on behalf of the LGA by the anti-fraud service, NAFN.

**Operate** – In the course of business, to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle.

**Operator licence** ­– A licence issued by the Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976

**PHV** – See ‘Private Hire Vehicle’.

**Ply for hire** – To be hailed in the street to pick up a passenger. This can only be done by a Hackney Carriage.

**Private Hire Vehicle** – Private Hire Vehicles (PHVs) include a range of vehicles including minicabs, executive cars, limousines, and chauffeur services. They must be pre-booked and cannot be hailed by people on the street.

**Proprietor** – The person for the time being shown on the Hackney Carriage or Private Hire Vehicle licence as the proprietor of the vehicle. Includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

**Reprehensible behaviour** – There is no precise definition, but examples are likely to include drinking to excess, taking illegal drugs or membership of a violent gang.

**Taxi** – Taxis are referred to in legislation, regulation and common language as ‘Hackney Carriages’, ‘black cabs’ and ‘cabs’. They can be hailed in the street but can also be pre-booked.

**Taximeter** – Any device for calculating the fare to be charged in respect of any journey in a Hackney Carriage by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

**V5** – A V5, correctly known as a V5C is the logbook of a vehicle that is a physical document issued by the DVLA upon registration of a vehicle in the UK. Its primary purpose is to serve as a vehicle registration certificate and provide the details of a vehicles registered keeper.

**Vehicle Defect Scheme** – A vehicle may be inspected by an Authorised Officer of the Council or a Police Officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give an **Unfit Vehicle Notice** to the proprietor/Operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the Authorised Officer or police officer is so satisfied.

**WAV** – Wheelchair Accessible Vehicle. A vehicle specially converted so that a wheelchair passenger may travel as a passenger.

**The Council** – Broadland District Council

**The Licensing Authority** – Broadland District Council

1. s73 Local Government (Miscellaneous Provisions) Act 1976 [↑](#footnote-ref-1)
2. s73 Local Government (Miscellaneous Provisions) Act 1976 [↑](#footnote-ref-2)