

Licensing, Appeals and Complaints Committee

Agenda

Members of the Licensing, Appeals and Complaints Committee:

Cllr Y Bendle (Chairman)
Cllr D Burrill
Cllr J Easter
Cllr J Halls
Cllr T Holden
Cllr N Legg
Cllr J Savage
Cllr J Wilby

Cllr W Kemp (Vice Chairman)
Cllr F Curson
Cllr L Glover
Cllr P Hardy
Cllr J Hornby
Cllr J Rowe
Cllr T Spruce

Date & Time:

Wednesday 25 August 2021
3.00pm

Place:

Council Chamber, South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

Contact:

Jessica Hammond tel (01508) 505298
Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

PUBLIC ATTENDANCE:

If a member of the public would like to observe the meeting in person or to speak on an agenda item, please email your request to democracy@s-norfolk.gov.uk, no later than 5.00pm on Friday 20 August 2021. Please see further guidance on the options for public speaking at page 2 of this agenda.

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

Public Speaking and Attendance

All public speakers are required to register to speak at public meetings by the date / time stipulated on the relevant agenda. Requests should be sent to: democracy@s-norfolk.gov.uk

Public speaking can take place:

- Through a written representation (which will be read out at the meeting)
- In person at the Council offices

Please note that the Council cannot guarantee the number of places available for public attendance, but we will endeavour to meet all requests.

All those attending the meeting in person are invited to sign in on the QR code for the building and promptly arrive at and leave the venue. Hand sanitiser are still provided, and we would encourage you to observe social distancing. Further guidance on what to do on arrival will follow once your public speaking registration has been accepted.

AGENDA

1. **To report apologies for absence and to identify substitute members;**
2. **Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act, 1972.** Urgent business may only be taken if, “by reason of special circumstances” (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;
3. **To receive Declarations of interest from Members;**
(Please see guidance form and flow chart attached – page 4)
4. **Local Government (Miscellaneous Provisions) Act 1976 Town Police Clauses Act 1847. Review of the Council’s Hackney Carriage and Private Hire Vehicle Policy and Conditions – Pre-Consultation;**
(report attached – page 6)

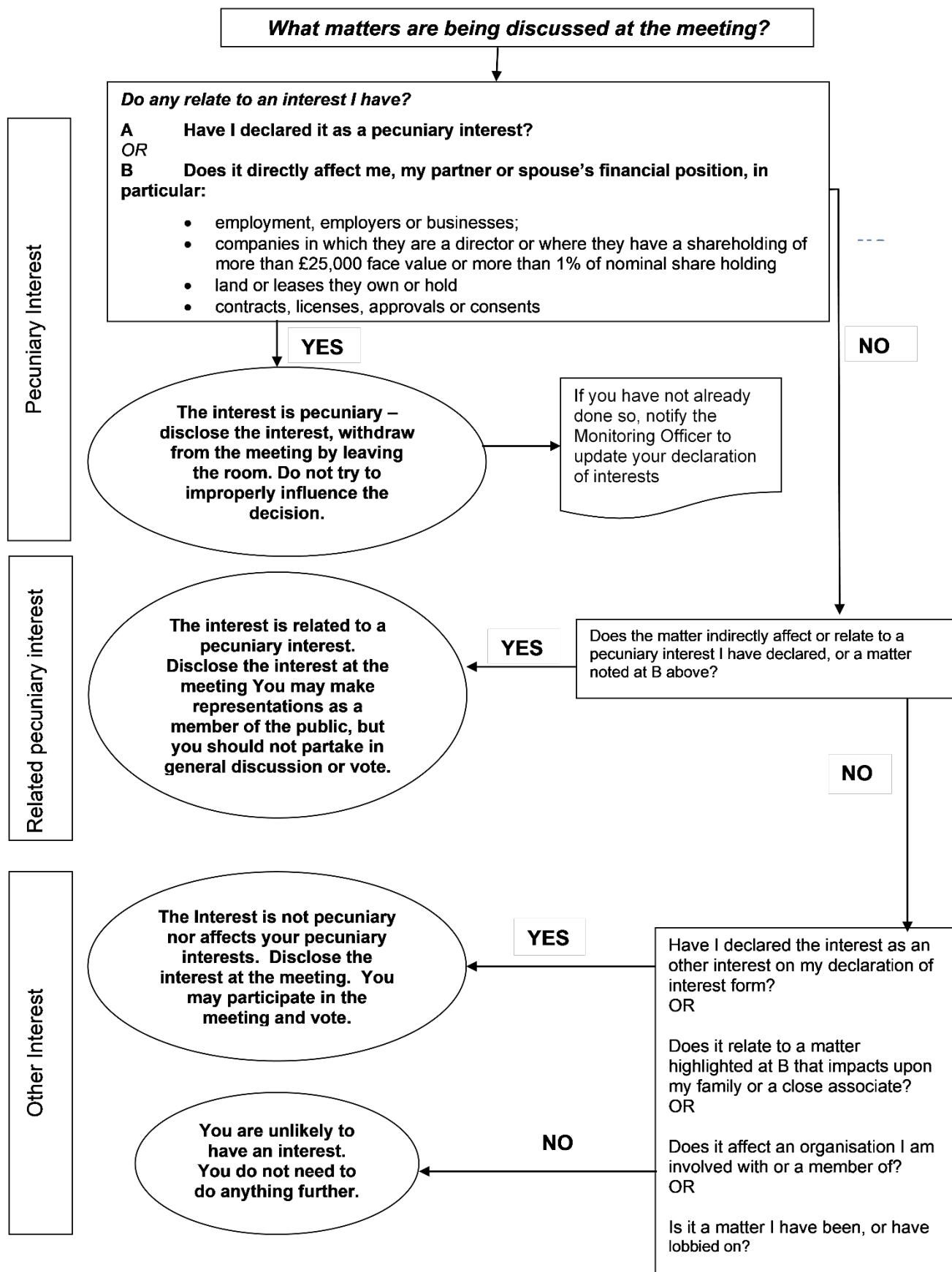
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.
Does the interest directly: 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding in If the answer is "yes" to any of the above, it is likely to be pecuniary. Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.
Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above? If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.
Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST
INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TOWN POLICE CLAUSES ACT 1847
REVIEW OF THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLE POLICY AND CONDITIONS – PRE-CONSULTATION

Report Author(s): Sarah Harris
Licensing Team Leader
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sarah.harris@broadland.gov.uk

Portfolio: Environmental Excellence

Ward(s) Affected: All

Purpose of the Report:

This report details a review of the Authority's Hackney Carriage and Private Hire Vehicle Policy and Conditions document. The draft revised Policy and Conditions document is presented for Licensing, Appeals and Complaints Committee's consideration in advance of a public consultation exercise on the draft document.

Recommendations:

The Committee is **RECOMMENDED** to:

1. Consider the draft Policy and Conditions, along with the schedule of key proposed changes.
2. Note and comment on the draft Policy and Conditions, with views to be considered in the consultation process.

1. Summary

- 1.1 The Authority currently has in place a Hackney Carriage and Private Hire Vehicle Policy and Conditions document. This was last reviewed in 2018.
- 1.2 A draft revised document has been produced with the assistance of an experienced Licensing consultant and by our Licensing officers, in consultation with the Licensing, Appeals and Complaints Committee Chair.
- 1.3 Committee is requested to consider the draft revised document and the views of Committee are sought as we prepare to open the consultation process.
- 1.4 Once the consultation exercise has been completed, the revised Policy and Conditions document will be brought back to Committee for further consideration and referral to Council for formal adoption.

2. Background

- 2.1 Local authorities are required to have in place a taxi licensing policy to enable the Authority to carry out its functions relating to the licensing of Hackney Carriage and Private Hire Drivers, Vehicles and Operators. In 2020 the Department for Transport (DfT) issued a Statutory Standards document which requires local authorities to review their licensing policy every five years, unless legislative changes or local circumstances dictate otherwise.
- 2.2 The new Statutory Taxi and Private Hire Vehicle Standards were published by the DfT in July 2020. Under the terms of this document all local authorities are required to consider and incorporate the Statutory Standards into their Policy documents. This review should be completed before 31 December 2021 to enable any changes to policy documents to be in place in early 2022.
- 2.3 The draft revised Policy and Conditions document has incorporated the proposals set out in the Statutory Standards document, along with further updates to incorporate changes to legislation, guidance and good practice.

3. Current position/findings

- 3.1 The draft Policy and Conditions document has been prepared to enable it to undergo a consultation process (copy attached at Appendix One).
- 3.2 Responses received during the consultation period will be given careful consideration and any further proposed changes to the document will be submitted to Licensing, Appeals and Complaints Committee for full consideration before recommending the final document to Council for adoption.
- 3.3 It is anticipated that the final document will place the Authority in a good position to enable Licensing officers to process applications received under the relevant legislation, grant licences and carry out enforcement as necessary.

4. Proposed action

- 4.1 It is proposed that, following consideration by the Licensing, Appeals and Complaints Committee, the draft Policy and Conditions document undergoes an 8 week public consultation. The provisional dates for this are from 6 September to 1 November 2021. These dates enable the Authority under its formal decision-making process to adopt a revised policy by 31st December 2021, and this timescale has a legal implication which is noted in paragraph 5.2 of this report.
- 4.2 The document will be circulated to current licence holders, District Councillors, Parish and Town Councils and various charities, groups and organisations representing both the hackney carriage and private hire trades and the public as potential customers utilising these licensed vehicles.
- 4.3 The key proposed changes will be highlighted to all potential respondents. A copy of the key proposed changes document is attached at Appendix Two.
- 4.4 Responses to the proposed changes, as well as to the draft document in general, will be invited. These responses will be collated and made available to the Licensing, Appeals and Complaints Committee for consideration after the consultation closes.
- 4.5 The Committee will subsequently be invited to refer the final document to Council for formal adoption.
- 4.6 It is proposed that the new Hackney Carriage and Private Hire Vehicle Policy and Conditions document will take effect from 1 April 2022.

5. Issues and risks

- 5.1 **Resource implications** – There are no specific resource implications in respect of the review of the Hackney Carriage and Private Hire Vehicle Policy and Conditions, other than those already identified and funded to enable the Authority to comply with the overall requirements of the legislation. The level of income generated by and arising from the implementation and enforcement of the legislation and conditions will be kept under close review.
- 5.2 **Legal implications** – Local authorities are required to have in place a taxi licensing policy to enable the Authority to carry out its functions relating to the licensing of Hackney Carriage and Private Hire Drivers, Vehicles and Operators. In addition, the Department for Transport (DfT) has issued Statutory Standards to licensing authorities, requiring necessary changes to be made to policies to enhance the safeguarding measures for Hackney Carriage and Private Hire Vehicle licensing. The DfT has required authorities to have considered and approved these changes by the end of 2021.
- 5.3 **Equality implications** – An Equality and Communities Impact Assessment has been completed. There are no human rights issues specific to the Policy and Conditions providing the Authority can demonstrate best practice and compliance

with national guidance in the production of the document.

- 5.4 **Environmental impact** – The draft revised Policy makes particular reference to encouraging the provision and licensing of electric and environmentally friendly vehicles. This reflects key considerations contained in the Authority's Environmental Strategy. The Authority is also aware of the current Government proposals to end the sale of new petrol and diesel cars from 2030, with all new cars and vans being fully zero emission from 2035, allowing for the sale of some specified hybrid vehicles for a further five years.
- 5.5 **Crime and disorder** – The revised draft Convictions Policy will ensure that the principle of ensuring licensed drivers are safe and suitable for licensing will be upheld. It is proposed that more frequent checks will be carried out with the Disclosure and Barring Service (DBS) on all licensed drivers. In addition, further criminal records checks are proposed for Private Hire Operator base staff, in line with the DfT Statutory Standards document.
- 5.6 **Risks** – There may be an additional financial burden placed on current licence holders to ensure that they meet the new proposed standards. However, some lead-in periods have been incorporated into the document to allow licence holders additional time to prepare for any additional expenses. It has been considered by officers that any potential financial burden is outweighed by the Authority's duty to ensure public safety and the protection of the wider public. In addition, Committee are advised to note that a delay in commencing the consultation process to that being proposed would compromise the ability of the Council to achieve the key dates laid out by the DfT for this review to be completed. This could lead to the local authority operating beyond that timescale before the revised Hackney Carriage and Private Hire Vehicle Policy and Conditions has come into effect.

6. Conclusion

- 6.1 The draft revised Policy and Conditions document in Appendix 1 contains a substantial body of settled existing policy content to which no changes are proposed, together with key proposed changes which are outlined in Appendix 2 and minor updating changes for good measure.

7. Recommendations

- 7.1 The Committee is **RECOMMENDED** to:
- 7.1.1 Consider the draft Policy and Conditions, along with the schedule of key proposed changes.
 - 7.1.2 Note and comment on the draft Policy and Conditions, with comments views to be considered in the consultation process.

Appendices

1. Copy of the draft Hackney Carriage and Private Hire Vehicle Policy and Conditions.
2. Copy of the key proposed changes.

Equalities and Communities Impact Assessment

Name of Officer/s completing assessment: Sarah Harris

Date of Assessment: 03/08/2021

1. What is the proposed Policy (please provide sufficient detail)?

For the purposes of the assessment the term 'Policy' relates to any new or revised policies, practices or procedures under consideration.

We are undertaking a review of the South Norfolk Council Hackney Carriage and Private Hire Vehicle Policies and Conditions. The Council is required to have a Policy and set of Conditions in place under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

2. Which protected characteristics under the Equalities Act 2010 does this Policy impact: (indicate whether the impact could be **positive**, **neutral**, or **negative**)

Protected Characteristic	Potential Impact		
	Positive	Neutral	Negative
Age			✓
Disability	✓		
Race		✓	
Sex		✓	
Religion or Belief		✓	
Sexual Orientation		✓	
Marriage/Civil Partnership		✓	
Pregnancy/Maternity		✓	
Gender Reassignment		✓	

3. Which additional Communities characteristics does this policy impact?

Health		✓	
Place inc. Rurality	✓		
Low Income and Poverty	✓		

3. What do you believe are the potential equalities impacts of this policy?

Please include:

- Partnership organisations worked with in the development of this policy
- Evidence gathered to inform your decision
- Where you have consulted, Who and How this has informed the decision/policy
- Any other groups impacted not detailed above

Note: Impacts could be **positive**, **neutral**, or **negative** and impact groups differently

This is a review of the current Hackney Carriage and Private Hire Vehicle policy and conditions document for South Norfolk Council. The current version of the document has previously undergone consultation with input from various partnership organisations, including other Norfolk Licensing Authorities, the Police, Fire Service, Highways, passenger transport organisations, licence holders and other bodies with an interest in the hackney carriage and private hire licensing process. The draft reviewed policy document will undergo an 8 week consultation exercise. During this period, various authorities, agencies, organisations and charities will be consulted, along with licence holders specifically affected by the policy review.

In terms of the protected characteristic of age, once a hackney carriage or private hire driver licence holder reaches the age of 65, they will be required to complete a medical assessment on an annual basis. Licence holders under the age of 65 will be required to complete a medical on a three yearly basis, in line with their licence renewal. These medicals are completed to the DVLA Group 2 medical standard. This brings the authorities in line with the DVLA requirements for all individuals who are authorised to drive Group 2 vehicles (i.e. HGVs and PSVs). It is anticipated that this requirement will go towards ensuring public safety.

5. What do you believe are the potential communities impacts of this policy?

Please include:

- How the policy can meet agreed priorities
- Evidence gathered to inform your decision
- Partnership organisations worked with in the development of this policy
- Where you have consulted, Who and How this has informed the decision/policy
- Any other groups impacted not detailed above

Note: Impacts could be **positive**, **neutral**, or **negative** and impact groups differently

Hackney carriages and private hire vehicles are often relied upon for transport and their use is proportionately higher amongst low income families. Similarly, individuals living in remote areas, without access to their own car or a regular bus service, may be very reliant on these vehicles for transport. It is important to ensure that licensed vehicles and their drivers are safe and suitable to carry out these necessary journeys. The aim of this review is to ensure that the policy and conditions achieve this purpose.

Many licensed vehicles are also used on contract to Norfolk County Council to undertake home to school transport and to also transport vulnerable persons. With these groups in mind, in particular, it is essential that the policy and conditions ensure that only fit and proper individuals are granted the relevant licences.

The policy and conditions documents will be widely consulted upon, including with agencies and organisations representing a wide range of interests. As stated above, officers also work closely with other local licensing authorities, with the Police, Highways, County Council passenger transport and other relevant bodies. They will each have an opportunity to comment on this revised document.

6. How is it proposed that any identified negative impacts are mitigated?

Please include:

- Steps taken to mitigate, for example, other services that may be available
- If a neutral impact has been identified can a positive impact be achieved?
- If you are unable to resolve the issues highlighted during this assessment, please explain why
- How impacts will be monitored and addressed?
- Could the decision/policy be implemented in a different way?
- What is the impact if the decision/policy is not implemented?

The aim of this Policy document is that it does not impact against any protected characteristic in a negative way. Whilst there are extra medical requirements in respect of licence holders over the age of 65, the

purpose of this is to ensure that they continue to be able to drive members of the public around in a safe manner. We have not proposed a maximum age limit for licence holders.

An overriding consideration in Licensing is the protection of the public. It must therefore be ensured that this reflected throughout the document.

Signed by evaluator:



Signed by responsible head of department:

Please send your completed forms to the equalities lead (Victoria Parsons) to be reviewed and stored in accordance with our legal duty.

REVIEW DATE - _____

(See Page 2 for details of reviews. Please send a copy of the reviewed document to Victoria Parsons)



Draft Hackney Carriage and Private Hire Vehicle Policy and Conditions

Version 1 (August 2021)

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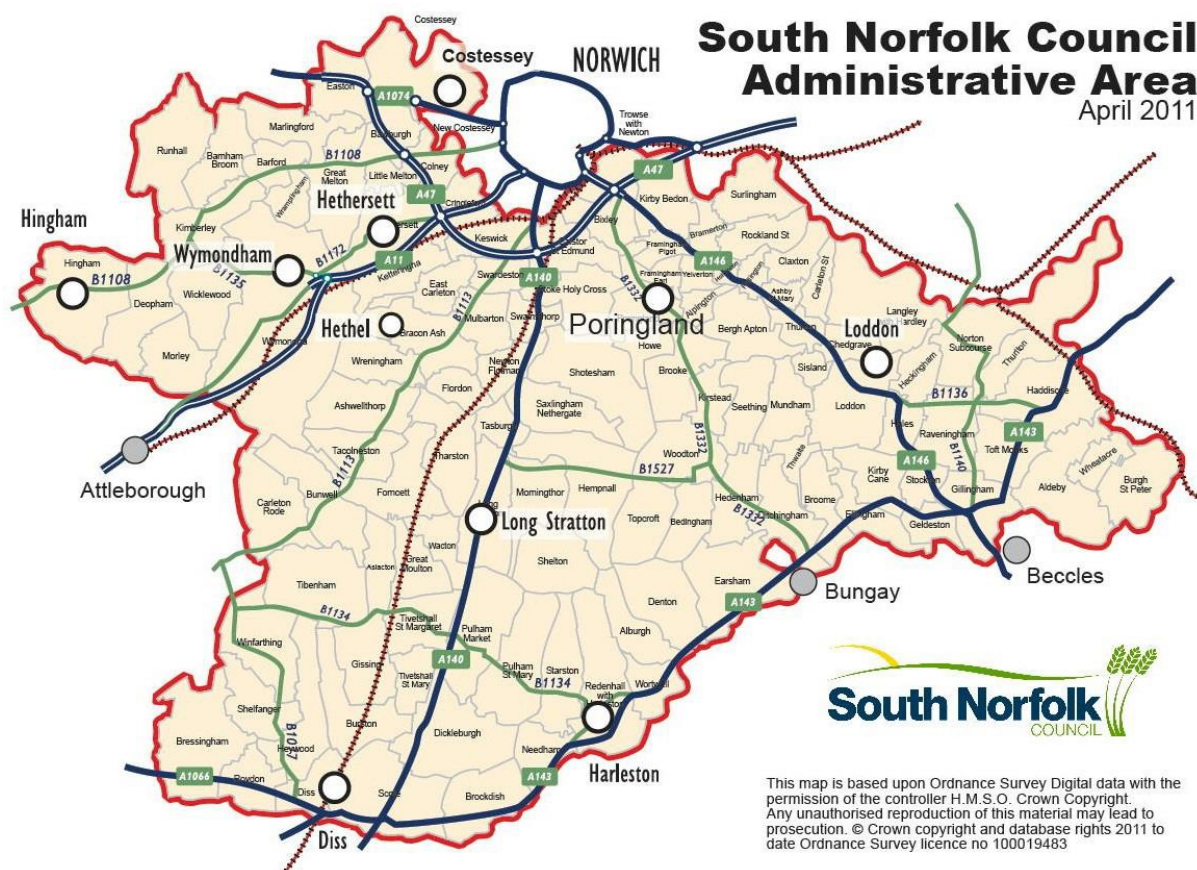
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1 Introduction

South Norfolk is an attractive rural district home to 138 000 people. It consists of the southern suburbs of Norwich, such as Trowse and Cringleford, as well as several market towns including Diss, Wymondham and a number of rural villages. An extensive network of trunk, main and local roads enable easy access to all parts of the district.

Map of South Norfolk



2 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.

3 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:

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- 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.

4 Consultation

Police
Fire and Rescue
Disability groups
All current licence holders
Legal Services
Council website
Reception building
All elected Members
National Taxi and Private Hire Association
Portfolio Holder
Other relevant consultees

5 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. 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.

6 Contact

The Licensing Team Contact Address is:

South Norfolk District Council
South Norfolk House
Cygnet House
Long Stratton
Norwich
NR15 2XE

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licensingteam@s-norfolk.gov.uk

01508 533633

7 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 and each case will be considered individually on its facts and merits.

8 Committee Procedure and Right to Appeal

If the application for a licence falls outside of 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, the 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.

9 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.

10 Conditions

The Council has adopted byelaws and conditions relating to Hackney Carriages and Private Hire Drivers' Licences. These conditions are agreed by the Licensing Committee. Once a licence is determined, the licence holder agrees to comply with the conditions of their licence.

11 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.

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Drivers of wheelchair accessible vehicles must comply with s165 of the Equality Act, unless they have been personally issued with an exemption certificate under s166 of the Act. This will largely be on medical grounds or because the driver's physical condition makes it unreasonably difficult for them to comply with the duty.

A list of all wheelchair accessible vehicles will be maintained in accordance with section 167 of the Equality Act 2010 on the Licensing Team webpage. This list will be periodically updated based on the details given at the time of vehicle licensing.

12 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 encourage the take up of ultra-low and zero emission vehicles.

Zero emission vehicles emit zero emissions in their life-cycle. The range of electric only vehicles is typically around 100 miles but this can be higher depending on the vehicle model and manufacturer. 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-REV's 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 are 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 from **1 April 2030** will be fully electric powered.

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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.

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Part 1 Dual Hackney Carriage and Private Hire Drivers' Policy

1 Introduction

All Drivers' Licences issued will be Dual 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, 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.

Licences are normally issued for a **3 year** period unless 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.

2 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.

3 Licensing Criteria

All drivers' 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
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, 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.

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CRITERIA	REQUIRED STANDARDS
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 who have lived outside of the UK must provide a certificate of good character from each relevant Embassy of the countries in which they were resident from the age of 18.
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	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.
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.	Further tests may be required, as determined by the Licensing Authority, such as an assessment regarding written and oral skills.

4 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 economically
- Able to communicate effectively with passengers and can read, speak, write and understand English.
- In good physical and mental health
- Must hold a full Drivers Licence and not be disqualified from driving

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These standards must be upheld during the validity of the council issued driver licence. The following table provides the standards required by South Norfolk Council.

(a) 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 since the age of 18. See Appendix 1- Convictions Policy.
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.
Right to Work in the UK	A right to work check under the Immigration Act 2016 will be carried out before your 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 drivers' licences may be required to undertake an English speaking and comprehension test with a provider recommended by the Council.

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	It is possible that the applicant may be referred to a council approved provider to undertake training to achieve a suitable standard.
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Any driver whose DVLA driving licence has been suspended or revoked will automatically have their Private Hire Driver licence suspended by an Authorised Officer as they will no longer satisfy the prerequisites for a Private Hire Driver licence. The driver will then be required to appear before Committee for consideration of the future of their licence.

(b) 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. Drivers who have not subscribed to the update service will be required to complete a new enhanced DBS disclosure every six months.
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 <i>prior</i> 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	Existing licensed drivers who are the subject of a complaint regarding their ability to communicate in English will be required to undertake an assessment and may be required to undertake an English Communication test with a council recommended provider.

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

1 5 Convictions, Cautions and Penalty Points Policy

All applications are considered against the nationally agreed convictions and penalty points Policy. This may be found at **Appendix 1**.

It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority.

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In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

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 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 but not restricted to the following: -

- 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

2 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 is conversant with all tail lifts and ramps attached to the vehicle and any wheelchair fittings and fixings.

3 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:

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- carry the passenger while in a 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 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

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) 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 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.

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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.

2 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.

3 Hackney Carriage Vehicle Owners (Proprietors)

Proprietors

Proprietors of vehicles will be required to undertake a *Basic DBS Check*. 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 hold a vehicle licence.

4 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.

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LICENSING CRITERIA	REQUIRED STANDARDS
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:- (a) The vehicle is in a satisfactory and safe condition for the carriage of passengers. (b) 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 one of the Council's nominated garages/MOT Testing Station 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 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.

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LICENSING CRITERIA	REQUIRED STANDARDS
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 than 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 fittings where the vehicle is to be licensed to carry wheelchair users.

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LICENSING CRITERIA	REQUIRED STANDARDS
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.	No new vehicle shall be licensed which would require any passenger to climb over any luggage or obstruction in the vehicle. 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 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	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/report must be produced to the Licensing Authority to that effect.

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.

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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.

2 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 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.
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:- (a) The vehicle is in a satisfactory and safe condition for the carriage of passengers. (b) The vehicle is suitable in type, size and design as a hackney carriage vehicle

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LICENSING CRITERIA	REQUIRED STANDARDS
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 one of the Council's nominated garages/MOT Testing Station 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 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 than 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

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LICENSING CRITERIA	REQUIRED STANDARDS
	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.	No new vehicle shall be licensed which would require any passenger to climb over any luggage or obstruction in the vehicle. 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	<i>No licensed Private Hire vehicle may display a roof sign without obtaining prior consent.</i> The proprietor may, by written application to the

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LICENSING CRITERIA	REQUIRED STANDARDS
	Licensing Section, 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 an approved roof sign/bar has been fitted to the roof of the vehicle.
Door Signs	Door Signs – Door signage to be used on all Private Hire vehicles in the format prescribed by the Licensing Committee
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/report must be produced to that effect.
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.

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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 United 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

[Guidance for Operators of Stretch Limousines 2 .pdf \(publishing.service.gov.uk\)](#)

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 \(www.gov.uk\)](#)
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's 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.

6. SIDEWAYS SEATING

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

7. 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.

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8. MAXIMUM PASSENGERS

- a) 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**.
- b) 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.
- c) In any advertisement publicising their limousine service, the Operator must state that the vehicle is only licensed to carry a maximum of 8 passengers.

9. 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.

10. FIRE EXTINGUISHER

It will be the operator/driver's responsibility to ensure that the extinguisher is of the correct type, has the appropriate British Standard and 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.

11. ENTERTAINMENT

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

- a) 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.
- b) Limousines which have the capability of playing recorded media for the entertainment of customers may be required to hold a Performing Rights Licence.
- c) Entertainment provided in the vehicle shall be under the terms of any relevant legislative requirements.

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

1. ALCOHOL

- a) Alcoholic drinks provided in the vehicle must be in accordance with the Licensing Act 2003 relating to the sale and supply of alcohol.
- b) The driver must ensure that alcohol is *only* served while the vehicle is stationary and afterwards, all bottles are placed in a secure receptacle.
- c) If any passenger is below the age of 18, **no alcohol** should be served on the vehicle.
- d) Any 'glassware' in the vehicle must be made of either shatterproof glass or plastic.

2. 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.

3. 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.

4. 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 and prevent them from opening any of the rear windows. This is to ensure the safety of the passengers and prevent public nuisance.

5. SMOKING/VAPING

No smoking is allowed in any licensed or work vehicles, this is a legal requirement. No vaping shall be allowed in the vehicle at any time.

6. FIRE EXTINGUISHERS

Fire extinguishers carried in the vehicle will be the sole responsibility of the operator. It will be the operator and drivers responsibility to ensure that the extinguisher is

- a) of the correct type,
- b) has the appropriate British Standard
- c) is serviced annually.
- d) The extinguisher must be securely fitted; and
- e) must not be accessed by any of the passengers.
- f) 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).

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- Valid Certificate of Insurance, with cover for hire and reward.
- Current MOT test certificate
- Completion of Council mechanical test

2 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.
- Examples of executive/prestige makes and models would include:
 - Audi A8
 - BMW series 7
 - Jaguar XJ
 - Lexus GS and LS
 - Mercedes S and E classes
 - Other vehicles 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)
- Manufacturers' window tints are permissible
- Window Tint Film must *not* be applied
- The vehicle cannot be fitted with operator to driver communication system (radio)

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- 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 drivers 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 drivers' 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.

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Part 4 Private Hire Operator Policy

i. 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.

ii. 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.

3 Private Hire Operators 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. A basic DBS disclosure must be provided.
4. 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. A basic DBS is required for disclosure of any relevant convictions.
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.
5. Operators must ensure that all staff working at the operator base produce a basic DBS disclosure 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.
6. 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 operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), 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.

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7. An Operator must ensure that Public Liability insurance is held for the Private Hire Operating business to a minimum value of £5,000,000.
8. An Operator must ensure that all vehicles operated and drivers working for them are licensed by one Council.

4 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.

5 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>

6 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.

7 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 DRIVERS' LICENCE CONDITIONS

South Norfolk District Council Hackney Carriage Byelaws

Byelaws made under Section 68 of the Town Police Clauses Act, 1847 and Section 171 of the Public Health Act, 1875 by the South Norfolk District Council with respect to Hackney Carriages in the South Norfolk District.

Interpretation

1. Throughout these byelaws "the Council" means the South Norfolk District Council and "the district" means the South Norfolk district.

Provisions regulating the manner in which the number of each hackney carriage, corresponding with the number of its licence, shall be displayed

2. (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.
- (b) A proprietor or driver of a hackney carriage shall -
 - (i) 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
 - (ii) 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

3. The proprietor of a hackney carriage shall:-
 - a. provide sufficient means by which any person in the carriage may communicate with the driver;
 - b. cause the roof or covering to be kept watertight;
 - c. provide any necessary windows and a means of opening and closing not less than one window on each side;
 - d. cause the seats to be properly cushioned or covered;
 - e. cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - f. cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - g. provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - h. provide an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use;
 - i. 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.
4. 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:

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- a. 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;
- b. 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;
- c. 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 distance in pursuance of the byelaw in that behalf;
- d. 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;
- e. 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;
- f. 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 displaying 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

5. The driver of a hackney carriage provided with a taximeter shall:-
 - a. 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;
 - b. 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;
 - c. cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act, 1972 and also at any other time at the request of the hirer.
6. 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.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired
 - a. proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
 - b. if a stand, at the time of their/her arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - c. 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;

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- d. from time to time when any other carriage immediately in front is driven off or moved forward cause their/her carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. 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.
10. 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.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. 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 licence for such carriage issued by the Council.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, the driver shall when standing, plying or driving for hire wear that badge in such position and manner as to be plainly and distinctly visible.
14. 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
 - a. convey a reasonable quantity of luggage;
 - b. afford reasonable assistance in loading and unloading;
 - c. afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person.

Provisions fixing the rate of fare to be paid for hackney carriages within the district and securing the due publication of fares

15. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed, the rate of fare being calculated by distance unless the hirer expresses at the commencement of the hiring their desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter save for any extra charges authorised which it may not be possible to record on the face of the taximeter.
16. The proprietor of a hackney carriage for which any fares are fixed by any byelaw in that behalf shall
 - a. cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures;
 - b. renew such letters and figures as often as is necessary to keep them clearly visible.
 - c. The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not willfully or negligently cause or suffer the letters or figures in the

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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

17. The proprietor or driver of a hackney carriage shall, immediately after the determination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
18. 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/her
 - i. 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/her giving a receipt for it.
 - ii. be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound for 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

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

Repeal of Byelaws

20. The byelaws relating to hackney carriages in the South Norfolk District which were made by the South Norfolk Council on the 9th day of February, 1987 are hereby repealed, and replaced by the byelaws above.

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PRIVATE HIRE DRIVERS' 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.

2. APPEARANCE

- a) The driver shall be clean and tidy in appearance.
- b) The driver shall at all times be dressed in a manner not to cause embarrassment or offence to members of the public.

3. ASSISTANCE DOGS

- (a) 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.
- (b) 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.
- (c) Drivers must comply with the Equality Act 2010 and any subsequent or supplementary relevant legislation, at all times.

4. BADGES

- (a) The driver will wear their issued drivers' 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.
- (b) 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.
- (c) Upon expiry, revocation or suspension, the licence must be returned immediately.
- (d) The badge remains the property of the Council at all times.
- (e) Where a badge is lost or stolen, the driver must obtain a replacement. This will be at the drivers' own expense.

5. COMPLIANCE WITH LEGISLATION

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

6. 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:

- a) change of name
- b) change of address
- c) change of Operator

7. ARRESTS, CONVICTIONS, CAUTIONS AND MOTORING OFFENCES

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

- a) Any arrests, convictions, cautions, motoring or otherwise (including fixed penalty),
- b) Any medical condition affecting their ability to drive. A medical examination may be required.

8. CONDUCT

- (a) When a passenger is in the vehicle, a driver should not eat or drink in the vehicle.
- (b) The radio or other music shall not be played without the express permission of the hirer.
- (c) 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 drivers' licence before commencing work with that Operator.

10. 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 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, will be suspended until proof of attendance is provided. All necessary fees must be paid by the driver.

11. DVLA DRIVING LICENCE

Any driver whose DVLA driving licence has been suspended or revoked 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.

12. FARE TO BE CHARGED

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

13. 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.

14. 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. Drivers agree to produce any information reasonably requested during the course of such investigation. Failure to do so will be considered an act of dishonesty and may be subject to further action.

15. 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.

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16. OPERATORS

- (a) Drivers are responsible for ensuring that the Operator they are working for has a valid Private Hire Operator's Licence and that the private hire vehicle is insured for their use.
- (b) A licensed driver must notify the Licensing Team in writing as soon as they change the Operator through whom they take bookings.
- (c) A licensed driver who holds an Operator's licence must comply with all the conditions and requirements of that licence even when working for another Operator under a sub contract.
- (d) Drivers must provide a copy of their drivers' licence to the Operator before starting work.
- (e) Drivers must surrender the licence and badge to the Licensing Team immediately upon ceasing work as a driver.

17. PUNCTUAL ATTENDANCE

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

18. REASONABLE ASSISTANCE

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

- (a) convey a reasonable quantity of personal luggage;
- (b) afford reasonable assistance in loading luggage at the journey commencement point.
- (c) afford reasonable assistance in removing the luggage at the drop off point.

19. 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.

20. 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.

21. 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.

22. SMOKING/VAPING

No smoking is allowed in any licensed or work vehicles, this is a legal requirement. No vaping shall be allowed in the vehicle at any time.

23. SOUNDING THE HORN

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

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24. 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.

25. SUSPENSION AND REVOCATION

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

26. TOUTING AND SOLICITING

The driver shall not, whilst driving or in charge of a private hire vehicle:

- (a) Tout or solicit any other person to hire, or be carried for hire in any private hire vehicle
- (b) Cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.
- (c) Ply for hire or use any taxi rank.

27. VEHICLE PLATES

- (a) The driver shall not convey or permit to be conveyed any greater number of passengers than specified on the plate affixed to the vehicle.
- (b) 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.

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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.

2. 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.

3. ADVERTISING SIGNS

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

4. LICENCE AND INSURANCE

- (a) The proprietor must ensure that every person who drives the vehicle is properly licensed and insured.
- (b) 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
- (c) The proprietor must ensure that the vehicle is properly insured for the duration of the licence.

5. INVESTIGATIONS

The proprietor shall co-operate fully in the investigation of complaints including attending the office 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.

6. 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.

7. 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

- (a) Licence Plates must be secured to the rear of the vehicle below the window line.
- (b) Plates must be clearly visible at all times.
- (c) When renewing, the old licence plate must be exchanged for the new plate.
- (d) Lost or damaged plates must be immediately replaced at the owner's expense.
- (e) Plates must not be removed without written consent.
- (f) Plates must only be used on the vehicle they were issued to.
- (g) The driver must not carry more than the number of passengers specified on the plate.
- (h) In the event of revocation or suspension, the owner must return the licence plate.

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- (i) Proprietors must not permit the use of the vehicle otherwise than in compliance with the above conditions .

8. HACKNEY CARRIAGE VEHICLE - INTERNAL LICENCE

The vehicle must display an Internal Licence as prescribed by the Council.

- (a) The Internal Licence Plate shall be displayed in the front windscreen of the vehicle
- (b) Plates must be clearly visible at all times.
- (c) When renewing, the old licence plate must be exchanged for the new plate.
- (d) Lost or damaged plates must be immediately replaced at the owners' expense.
- (e) Plates must not be removed without written consent.
- (f) Plates must only be used on the vehicle they were issued to.
- (g) The driver must not carry more than the number of passengers specified on the plate.
- (h) In the event of revocation or suspension, the owner must return the licence plate.
- (i) Proprietors must not permit the use of the vehicle otherwise than in compliance with the above conditions

9. 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.

10. 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.

11. 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.

12. ARRESTS, CONVICTIONS, CAUTIONS AND PENALTY POINTS

- a) All Drivers must notify the Council in writing of any conviction or caution recorded against them or of any penalty points incurred within 7 days of such event.
- b) If a driver is arrested for any offence, even if they are not charged, they must notify the Licensing Authority within 48 hours.

13. DOCUMENTS

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

- a) (Dual) Driver's Licence issued by the council.
- b) 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.

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14. 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.

15. FIRE EXTINGUISHERS

The proprietor of the hackney carriage shall provide and maintain an efficient, in date and suitable fire extinguisher.

16. PASSENGERS

- a) 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.
- b) 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.

17. ROOF SIGNS

- (a) 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.
- (b) 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).
- (c) The illuminated roof sign shall work with the taximeter so as to extinguish when hired.

18. 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.

19. SMOKING/VAPING

No smoking is allowed in any licensed or work vehicles, this is a legal requirement. No vaping shall be allowed in the vehicle at any time.

20. 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.

21. TAXIMETER

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. All taximeters shall comply with the following:

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

A record shall be made of the meter inspection that takes place.

22. VEHICLE MAINTENANCE

- a) 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.

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- b) 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.
- c) 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.

23. 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 a Council nominated garage.

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)
- Over 7 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.

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PRIVATE HIRE VEHICLE LICENCE CONDITIONS

1. RENEWALS

An application for renewal of a licence shall be submitted together with the appropriate fee not later than 2 weeks prior to the expiration of the current licence.

2. 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.

3. ADVERTISING SIGNS

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

4. ROOF SIGNS

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

5. LICENCE AND INSURANCE

- (a) The owner shall ensure that every person who drives the vehicle is properly licensed and insured for private hire use.
- (b) 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.
- (c) The owner must ensure that the vehicle is properly insured for the duration of the licence.

6. 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.

7. 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.

8. 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 must return the licence plate.

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9. Owners must not permit the use of the vehicle otherwise than in compliance with the above conditions

9. PRIVATE HIRE VEHICLE - INTERNAL LICENCE

The vehicle must display an Internal Licence as prescribed by the Council.

- (a) The Internal Licence Plate shall be displayed in the front windscreen of the vehicle
- (b) Plates must be clearly visible at all times.
- (c) When renewing, the old licence plate must be exchanged for the new plate.
- (d) Lost or damaged plates must be immediately replaced at the owners' expense.
- (e) Plates must not be removed without written consent.
- (f) Plates must only be used on the vehicle they were issued to.
- (g) The driver must not carry more than the number of passengers specified on the plate.
- (h) In the event of revocation or suspension, the owner must return the licence plate.
- (i) Owners must not cause or permit the use of the vehicle otherwise than in compliance with the above conditions

10. 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.

11. CHANGE OF ADDRESS AND CHANGE OF OWNERSHIP

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

- a) Their change of address (before the change if possible).
- b) Sale of the vehicle to include the name and address of the new owner

12. DOCUMENTS

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

- a) Driver's Licence issued by the council. Worn as prescribed to be clearly visible.
- b) 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.

13. FIRE EXTINGUISHERS

The owner of the licensed vehicle shall provide and maintain an efficient, in date and suitable fire extinguisher.

14. PASSENGERS

- a. The owner or driver shall not permit or carry a greater number of persons than the number of passengers the licence plate specifically permits.
- b. 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.

15. 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.

16. SMOKING/VAPING

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No smoking is allowed in any licensed or work vehicles, this is a legal requirement. No vaping shall be allowed in the vehicle at any time.

17. VEHICLE MAINTENANCE

- 9.1. 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.
- 9.2. 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.
- 9.3. 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.

18. 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 a Council nominated garage.

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)
- 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.

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PRIVATE HIRE OPERATOR LICENCE CONDITIONS

1. GENERAL CONDITIONS

- a) 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.
- b) The Operator must not accept any booking made by a driver on behalf of a customer.

2. RECORDS TO BE KEPT BY THE OPERATOR

- (a) 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 the authorised officer, and shall be produced for examination on demand.
- (b)
 - (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.
 - (ii) The company who receive the sub-contract booking must keep a record of the booking referred to them by the first operator.
- c) 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.
- d) 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.
- e) 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.
- f) The operator shall keep a record of all Private Hire drivers used by them.
- g) These records shall include:

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- Name and current address of the driver.
 - Driver's DVLA licence details.
 - Driver's private hire driver's licence number and date of expiry.
 - Date the driver started working for that operator.
 - Date the driver ceased to work for that operator.
- h) The operator shall hold a copy of the driver's Private Hire Driver's Licence during the period that they work for them.
- i) The operator shall keep records of all private hire vehicles operated by them.
- j) 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.
- k) The operator shall keep all records for a period of 3 years.
- l) The operator shall hold a copy of the owner's Private Hire Vehicle Licence during the period that they utilise such vehicle.

3. CONDUCT OF THE OPERATOR

- (a) 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.
- (b) No operator may change the address from which they operate without the prior agreement of the Council and all licence requirements being met.
- (c) 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.
- (d) The operator shall disclose to the Council in writing within seven days details of **any** convictions or cautions, motoring or otherwise they receive.
- (e) The operator should advise the Council of changes of drivers within seven days of the change.

4. DEPOSIT OF DRIVER AND VEHICLE LICENCES

- (a) 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.
- (b) 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.
- (c) The operator must return the licence to the vehicle proprietor at the end of the period.

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- (d) 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.

5. PLANNING PERMISSION

The operator shall 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 licence does not authorise the use of premises without planning permission.

6. 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.

7. HIRINGS

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

- (a) ensure that when a private hire vehicle has been hired, to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- (b) keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purposes of booking or waiting;
- (c) ensure that where offices are open to the public for bookings that adequate seating facilities are provided;
- (d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly; and
- (e) not permit people who are drunk to remain on the premises.

8. 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.

9. VEHICLES

- (a) 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.
- (b) 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.
- (c) 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.

10. EMPLOYMENT OF OFFICE/DISPATCH STAFF

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- (a) The operator shall ensure that all office or dispatch staff provide a DBS check prior to their employment with the operator.
- (b) 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.
- (c) An up to date register of office and dispatch staff must be kept at the operator base.

11. COMPLAINTS

- (1) 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.
- (2) 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:
 - (a) the operator's business premises;
 - (b) their facilities within their premises;
 - (c) the state of cleanliness of any of their vehicles or drivers;
 - (d) the terms and conditions of any contract or purported contract of hire;
 - (e) any other matter relating to any contract or purported contract for hire;
 - (f) any other matter relating to their business.
- (3) The operator must immediately notify the complainant of their right to forward the complaint to the Council.
- (4) The operator shall on receipt of any complaint enter the following particulars of every complaint received by them in the complaints book or ledger:
 - (a) The date and time the complaint was received;
 - (b) the name and address of the complainant;
 - (c) how the complaint was made (i.e. personally, by telephone or in writing)
 - (d) the details of any relevant booking relating to the complaint;
 - (e) full details of the complaint, vehicle or driver
- (5) 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.
- (6) When a complaint is received by the Council and is investigated by the authorised officer, the operator shall comply with all reasonable requests of the officer in respect of that complaint.

12. 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.

13. CONVICTIONS

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- a) The operator shall disclose to the Council in writing within 48 hours, details of any arrest or convictions imposed on them.
- b) The operator shall disclose to the Council any information they receive regarding the arrest, penalty points or conviction of any driver utilising their operator licence.

14. ADVERTISING

- (a) The operator shall ensure that all private hire vehicles operated by them do not display any advertising on roof signs whatsoever.
- (b) Advertising on the vehicle must only be with the prior written approval of the Council.

15. RENEWALS

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

16. SUSPENSION AND REVOCATION OF OPERATOR LICENCES

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

- (a) The commission of an offence or non-compliance with any provision contained within the Local Government (Miscellaneous Provisions) Act 1976.
- (b) Unfitting conduct of the operator.
- (c) Any material change in the operator's circumstances on the basis of which the licence is granted.
- (d) 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.

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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](#).

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.

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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 DPA, 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.

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Signage

If an approved camera is fitted:

- (a) The vehicle owner or proprietor must register with the Information Commissioner's Officer (ICO)
- (b) A sign must be displayed outside the vehicle to warn prospective customers of the possible use of the surveillance camera.
- (c) 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 as an exception 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/for-organisations/guide-to-the-information-commissioner/cctv-code-of-practice)

[Surveillance Camera Code of Practice \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/614442/Surveillance_Camera_Code_of_Practice.pdf)

[Code of practice - A guide to the 12 principles \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/614442/Code_of_practice_-_A_guide_to_the_12_principles.pdf)

[12 principles diagram v3.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/614442/12_principles_diagram_v3.pdf)

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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 \(www.gov.uk\)](http://www.gov.uk)

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.

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 will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection. Failure to do so 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.

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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 or unacceptable behaviour will weigh heavily against a licence being granted or retained.

Where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, 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 <i>Intention to cause death or serious injury of another person</i>	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,

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OFFENCE	REQUIRED STANDARDS
	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 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. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would 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 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,

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

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Consideration of Previous Convictions or Cautions for Private Hire Operators

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 as a private hire driver).

However, in performing their duties they 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.

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.

Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

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 operators as those applied to drivers, which are outlined above.

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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.

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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, the 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
- Administer medication unless a specific request has been made by the hirer
- 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

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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 you have concerns:

- If your 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 you are 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 but it is not of an urgent matter, please call the Licensing Team.
- If you would prefer to speak to the police on a non-urgent matter then call them on
 - **101** and follow the directions for Norfolk Constabulary.

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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 display any Plates, Signs or Notices required by South Norfolk Council	0	3	0
The issue of an Unfit vehicle notice for any reason other than for an accident	0	3	0
To smoke 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

**South Norfolk Council
Hackney Carriage and Private Hire Vehicle Policy and Conditions Review
Key Proposed Changes**

Drivers:

1. **DBS Update Service** – all drivers will be requested to sign up for the DBS Update Service. 6 monthly checks with the DBS will be carried out on each driver. If a driver is not registered with the Update Service they will be required to produce and pay for a full DBS enhanced disclosure every 6 months.

This is in line with the current Department for Transport Statutory Standards.

2. **DBS Categorisation** – all DBS checks must be an enhanced disclosure with a check under the “other workforce” categorisation.

This is recognised as good practice and the conditions are being updated to reflect this.

3. **Immigration Status** – under the newly introduced EU Settlement Scheme applicants are required to demonstrate their immigration status at the time of application.

4. **Medicals** – medicals will be required on a 3 yearly basis, in line with the first application and subsequent renewal applications. At present, medicals are completed at intervals as specified by the GP. From the age of 65 medicals will be required on an annual basis.

This aligns the Authority with the current medical requirements under the DVLA Group 2 scheme.

5. **Good Standard of English** – applicants may be asked to demonstrate that they have a good standard of English (written and oral) at the time of application. At present, there is not a specific language assessment.

This is in line with the current Department for Transport Statutory Standards.

6. **Disability Awareness Training** – applicants will be required to complete an approved training session on disability awareness. This is not required at present.

This is in line with the current Department for Transport Statutory Standards.

7. **Convictions Policy** – The Convictions Policy has been updated to reflect the standard required by the Institute of Licensing’s recently introduced Safe and Suitable document.

8. **Second Badge for Drivers** – it is proposed to issue all drivers with a second badge with the intention that the driver will wear one badge and the second badge will be displayed on the front console of the vehicle in view of passengers.

This is recognised as good practice and the conditions are being updated to reflect this.

9. **Notification of Arrest** – all drivers will be required to notify the Licensing Team in the event that they are arrested. At present, the requirement is to notify the Team on receipt of a caution of conviction.

This is recognised as good practice and the conditions are being updated to reflect this.

10. **NR3 Database** - information regarding previous licences, revocations or refusals. Checks made to the National Anti-Fraud Network database (NR3) for refusals and revocations of Hackney Carriage or Private Hire Vehicle licences.

This is in line with the current Department for Transport Statutory Standards.

Vehicles:

1. **Taxi Meters** – it is proposed to introduce a requirement for all licensed hackney carriage vehicles to have a meter fitted.

This is recognised as good practice and the conditions are being updated to reflect this.

2. **Basic DBS for HC Proprietors** – Hackney carriage proprietors will be required to produce a satisfactory basic DBS disclosure at the time of application.

This is in line with the current Department for Transport Statutory Standards.

3. **Age limit for new vehicles** – on first licensing, all vehicles must be less than 5 years old from the date of first registration.

This is recognised as good practice and the conditions are being updated to reflect this.

4. **Maximum age limit** – vehicles over the age of 10 years from the date of first registration will not be considered for re-licensing. There will be a 5 year lead-in period for this change and it is therefore proposed that this condition will take effect from 1 April 2027.

This is proposed as a way to improve the environmental credentials of the fleet and reflect the Government's current greener travel initiatives.

5. **LPG** – it is proposed to remove current conditions specific to LPG vehicles as it is not foreseen that we will receive any further applications for LPG vehicles.

6. **Executive Plate Policy** – the circumstances under which the Authority will issue an executive plate have been amended. Please see the policy for further detail.

This is recognised as good practice and the conditions are being updated to reflect this.

7. **Limousine Policy** – some further clarification in respect of the licensing of limousines has been included in the policy document.

This is recognised as good practice and the conditions are being updated to reflect this.

8. **CCTV Policy** – some further updates have been made to the policy in relation to the provision of CCTV in vehicles. Please refer to the policy for further details.

This is in line with the current Department for Transport Statutory Standards.

9. **Electric Vehicles** – the authority wishes to encourage the provision of electric vehicles and some further detail has therefore been included in the policy document.

This is proposed as a way to improve the environmental credentials of the fleet and reflect the Government's current greener travel initiatives.

Operators:

1. **DBS Check for Operator Base Staff** – all staff at the Operator base receiving and making bookings will be required to produce a basic DBS disclosure. This is a further requirement under the Department for Transport Statutory Standards.

This is in line with the current Department for Transport Statutory Standards.