

# **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 24 November 2021  
10.00am

### **Place:**

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

### **Contact:**

Jessica Hammond tel (01508) 505298  
Email: [democracy@southnorfolkandbroadland.gov.uk](mailto:democracy@southnorfolkandbroadland.gov.uk)  
Website: [www.southnorfolkandbroadland.gov.uk](http://www.southnorfolkandbroadland.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@southnorfolkandbroadland.gov.uk](mailto:democracy@southnorfolkandbroadland.gov.uk), no later than 5.00pm on Friday 19 November 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@southnorfolkandbroadland.gov.uk](mailto:democracy@southnorfolkandbroadland.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 3)
4. To confirm the minutes of the meeting of the Licensing, Appeals and Complaints Committee held on Wednesday 25 August 2021  
(attached – page 6)
5. 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;  
(report attached – page 11)

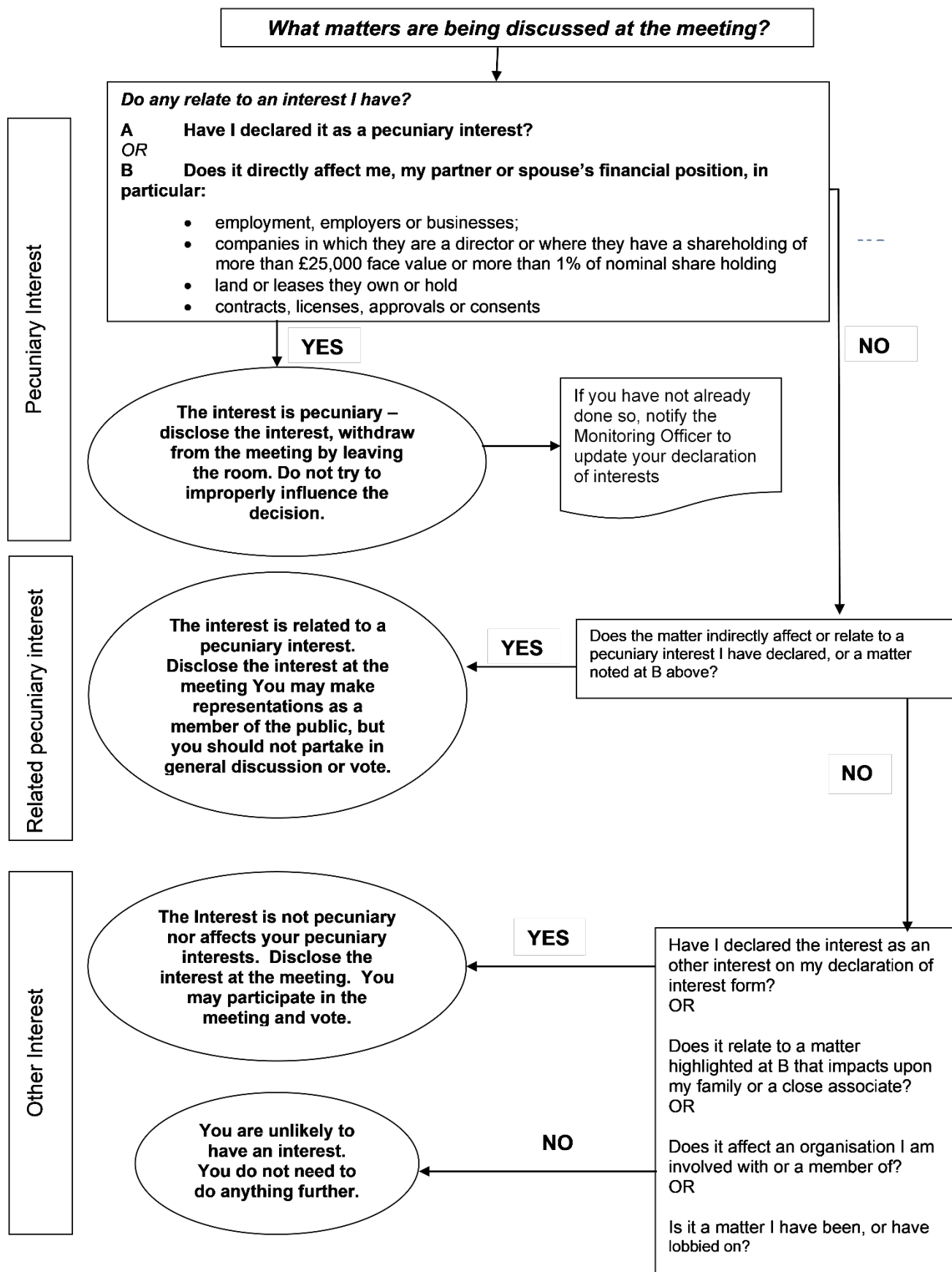
## DECLARATIONS OF INTEREST AT MEETINGS

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.

|   |
|---|
| <p>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.</p>   |
| <p>Does the interest directly:</p> <ol style="list-style-type: none"> <li>1. affect yours, or your spouse / partner's financial position?</li> <li>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</li> <li>3. Relate to a contract you, or your spouse / partner have with the Council</li> <li>4. Affect land you or your spouse / partner own</li> <li>5. Affect a company that you or your partner own, or have a shareholding in</li> </ol> <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>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.</p> |
| <p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>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.</p>  |
| <p>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.</p>   |
| <p>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.</p>   |

**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



**Agenda Item: 4**

## **LICENSING APPEALS AND COMPLAINTS COMMITTEE**

**Minutes of a meeting of the Licensing Appeals and Complaints Committee of South Norfolk District Council held on 25 August 2021 at 3.00pm.**

**Committee Members Present:** Councillors: Y Bendle (Chairman), J Halls, T Holden, W Kemp, N Legg, J Savage and T Spruce

**Apologies:** D Burrill, J Easter, P Hardy, J Rowe and J Wilby

**Officers in Attendance:** The Assistant Director – Regulatory (N Howard), the Licensing Team Leader (S Harris) and the Licensing and Enforcement Officer (R Setford)

### **647 Review of the Council's Hackney Carriage and Private Hire Vehicle Policy and Conditions – Pre-Consultation**

The Chairman of the Committee informed members that there was a statutory requirement to review the Hackney Carriage and Private Hire Vehicle Policy with any changes to the policy put in place by 1 April 2022 and that the Committee were asked to consider the proposed changes to the policy before the public consultation began. She explained that a number of the changes proposed were a response to the Statutory Taxi and Private Hire Vehicle Standards document published by the Department for Transport in July 2020.

Members were advised that officers had sought to 'future-proof' the document for the next 5 years and anticipate both the business needs that could be supported alongside the need to protect the public.

The Licensing Team Leader introduced her report which presented the draft revised Hackney Carriage and Private Hire Vehicle Policy and Conditions document for the Committee's consideration in advance of a public consultation exercise.

Members were then informed of the key changes to the policy, which were as follows:

#### DBS Update Service

All drivers would be requested to sign up for the DBS Update Service. 6 monthly checks with the DBS would be carried out on each driver. If a driver

was not registered with the Update Service, they would be required to produce and pay for a full DBS enhanced disclosure every 6 months.

#### DBS Categorisation

All DBS checks must be an enhanced disclosure with a check under the “other workforce” categorisation. This was recognised as good practice and the conditions were being updated to reflect this.

#### Immigration Status

Under the newly introduced EU Settlement Scheme applicants were required to demonstrate their immigration status at the time of application.

#### Medicals

The age at which a medical would be required annually would be increased from 60 to 65. This would align the Authority with the current medical requirements under the DVLA Group 2 scheme.

Members queried whether the Councils medical form would allow for the medical assessor to give their opinion of the driver’s fitness to drive, the Licensing Team Leader explained that the Councils medical assessment form was based on the DVLA’s D4 form, with an amendment where the doctor had to state whether or not the driver was fit to drive.

One member raised a concern that given the increased difficulty getting appointments with doctors, the need for a medical assessment might become restrictive, they suggested that the Council looked at policies to promote employment instead.

The Chairman of the Committee explained that it was the Councils and the Committees duty to ensure the safety of residents not increase the employment of drivers.

#### Good Standard of English

Applicants may be asked to demonstrate that they had a good standard of English (written and oral) at the time of application. At present, there was no specific language assessment; this would bring the Authority in line with the current Department for Transport Statutory Standards.

#### Disability Awareness Training

Applicants would be required to complete an approved training session on disability awareness. This was not required at present and would bring the Authority in line with the current Department for Transport Statutory Standards.

#### Convictions Policy

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

### Second Badge for Drivers

It was proposed to issue all drivers with a second badge with the intention that the driver would wear one badge and the second badge would be displayed on the front console of the vehicle in view of passengers. This was recognised as good practice and the conditions were being updated to reflect this.

In response to a members' question, the Licensing Team Leader advised that

### Notification of Arrest

All drivers would be required to notify the Licensing Team in the event that they were arrested. At present, the requirement was to notify the Team on receipt of a caution of conviction. This was recognised as good practice and the conditions were being updated to reflect this.

### NR3 Database

Checks would be made to the National Anti-Fraud Network database (NR3) for refusals and revocations of Hackney Carriage or Private Hire Vehicle licences. This was in line with the current Department for Transport Statutory Standards.

### Taxi Meters

It was proposed to introduce a requirement for all licensed hackney carriage vehicles to have a meter fitted. This was recognised as good practice and the conditions were being updated to reflect this.

The Licensing Team Leader explained that a lead-in time could be considered for the installation of taxi meter. Members agreed that a lead-in time should be given to drivers to offset the additional cost of the meter as well as any delay in installation.

After further discussion members noted that meters would be beneficial and ensure that equal fares were charged.

### Basic DBS for HC Proprietors

Hackney carriage proprietors would be required to produce a satisfactory basic DBS disclosure at the time of application. This was in line with the current Department for Transport Statutory Standards.

### Maximum age limit for vehicles

Vehicles over the age of 10 years from the date of first registration would not be considered for re-licensing. There would be a five-year lead-in period for this change, and it was therefore proposed that this condition take effect from 1 April 2027. This was proposed as a way to improve the environmental credentials of the fleet and reflect the Government's current greener travel initiatives.

Members noted that a vehicles age did not always reflect the condition of the vehicle, it was suggested that the vehicles mileage also be taken into consideration. The Licensing Team Leader agreed to look at using mileage as a consideration of a vehicles suitability, but noted that it would not be as easy for the authority to track the mileage of all vehicles in the fleet, as it was to keep track of the age of the vehicles.

#### LPG (Liquefied Petroleum Gas)

It was proposed to remove current conditions specific to LPG vehicles as it was not foreseen that there would be any further applications for LPG vehicles.

In response to questions on why conditions to LPG vehicles were to be removed, the Licensing and Enforcement Officer explained that there had only been one LPG powered vehicle licensed in South Norfolk, back in 2007. The Assistant Director – Regulatory added that current Government policy was phasing out the use of LPG in favour of electric powered vehicles.

#### Executive Plate Policy

The circumstances under which the Authority issued an executive plate had been amended. This was recognised as good practice and the conditions were being updated to reflect this.

#### Limousine Policy

Further clarification in respect of the licensing of limousines had been included in the policy document. This was recognised as good practice and the conditions were being updated to reflect this.

#### CCTV Policy

Some further updates had been made to the policy in relation to the provision of CCTV in vehicles. This was in line with the current Department for Transport Statutory Standards.

Members discussed the installation of CCTV in licensed vehicles and felt that it was useful not only to convict drivers for wrongdoing but also to protect drivers themselves.

#### Electric Vehicles

The authority wished to encourage the provision of electric vehicles and some further detail had therefore been included in the policy document. This was proposed as a way to improve the environmental credentials of the fleet and reflect the Government's current greener travel initiatives.

#### DBS Check for Operator Base Staff

All staff at the Operator base receiving and making bookings would be required to produce a basic DBS disclosure. This was a further requirement under the Department for Transport Statutory Standards.

One member queried the Councils policy on disability accessible vehicles, and it was noted that some authorities required all licensed vehicles to have disabled access. The Licensing Team Leader informed members that the Council encourages the use of vehicles with disabled access but that there was no change in the policy regarding a specific quota of disability accessible vehicles in the fleet.

Members discussed the infringement points table where it was suggested that the current point system be reviewed. The Licensing Team Leader agreed to review this and assess how it differed from neighbouring authorities.

It was then,

**RESOLVED**

To

Note the draft Policy and Conditions, with comments outlined above to be considered in the consultation process.

(The meeting concluded at 4.07pm)

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Chairman

**Agenda Item: 5**  
**Licensing, Appeals and Complaints Committee**  
**24 November 2021**

**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**

**Report Author(s):** Sarah Harris  
Licensing Team Leader  
01603 430580  
sarah.harris@southnorfolkandbroadland.gov.uk

**Portfolio:** Environmental Excellence

**Ward(s) Affected:** All

**Purpose of the Report:**

To enable the Committee to consider the draft Policy revisions following consultation. This report details a review of the Authority's Hackney Carriage and Private Hire Vehicle Policy and Conditions document. The draft document has been consulted upon and the results of this consultation are presented by way of this report.

**Recommendations:**

The Committee is **RECOMMENDED** to:

1. Consider the draft Policy and Conditions document.
2. Consider the responses received to the consultation exercise, and the consequent proposed amendments to the draft document.
3. Refer the agreed amended document to Council with a recommendation for adoption.

## **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 This document has subsequently undergone an eight week consultation period.

## **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 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 is attached at Appendix One.
- 3.2 Details of the draft Policy and Conditions and where it could be viewed were circulated widely to stakeholders throughout the South Norfolk district, in addition to numerous national representative bodies and organisations, with a closing date for comments of 1 November 2021. Approximately 450 letters and emails were circulated and the draft Policy and Conditions document was also made available in local libraries and on the Council's website.
- 3.3 A small number of responses have been received to this consultation exercise and are listed at Appendix 2.
- 3.4 It is important to demonstrate that in reviewing responses to the consultation, due weight and consideration has been given to all representations including, where appropriate, why some have been disregarded. This is so that in the event that the policy is challenged, the Authority can demonstrate to a court how it arrived at the final policy.

3.5 Therefore, the representations received by 1 November 2021, attached at Appendix Two, have been set out in the following format:

- A reference number for each representation
- Name of the respondent
- A summary of the respondent's comments
- The Authority's response

3.6 Responses received during the consultation period have been given careful consideration and any changes to the document proposed as a result of these consultation responses have been highlighted within the responses document and incorporated into the draft document attached at Appendix One.

3.7 It is anticipated that the final document, as proposed, 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 The Licensing, Appeals and Complaints Committee is requested to thoroughly review and consider Appendix Two which details the responses to the consultation process.

#### **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.

## 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:
1. Consider the draft Policy and Conditions document.
  2. Consider the responses received to the consultation exercise, and the consequent proposed amendments to the draft document.
  3. Refer the agreed amended document to Council with a recommendation for adoption.

### Background Papers:

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

DfT Taxi and Private Hire Vehicle Statutory Standards

## **Appendices**

1. Copy of the draft proposed Hackney Carriage and Private Hire Vehicle Policy and Conditions.
2. Copy of the responses received to the consultation exercise.

## Equalities and Communities Impact Assessment

**Name of Officer/s completing assessment:** Sarah Harris

**Date of Assessment:** 03/11/2021

### 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 have undertaken 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 has undergone an 8 week consultation exercise. During this period, various authorities, agencies, organisations and charities have been 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 have been 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 have each had 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 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.

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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 21 (~~August~~November 2021)

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

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# DRAFT OF PROPOSED NEW HCPHV&O POLICY

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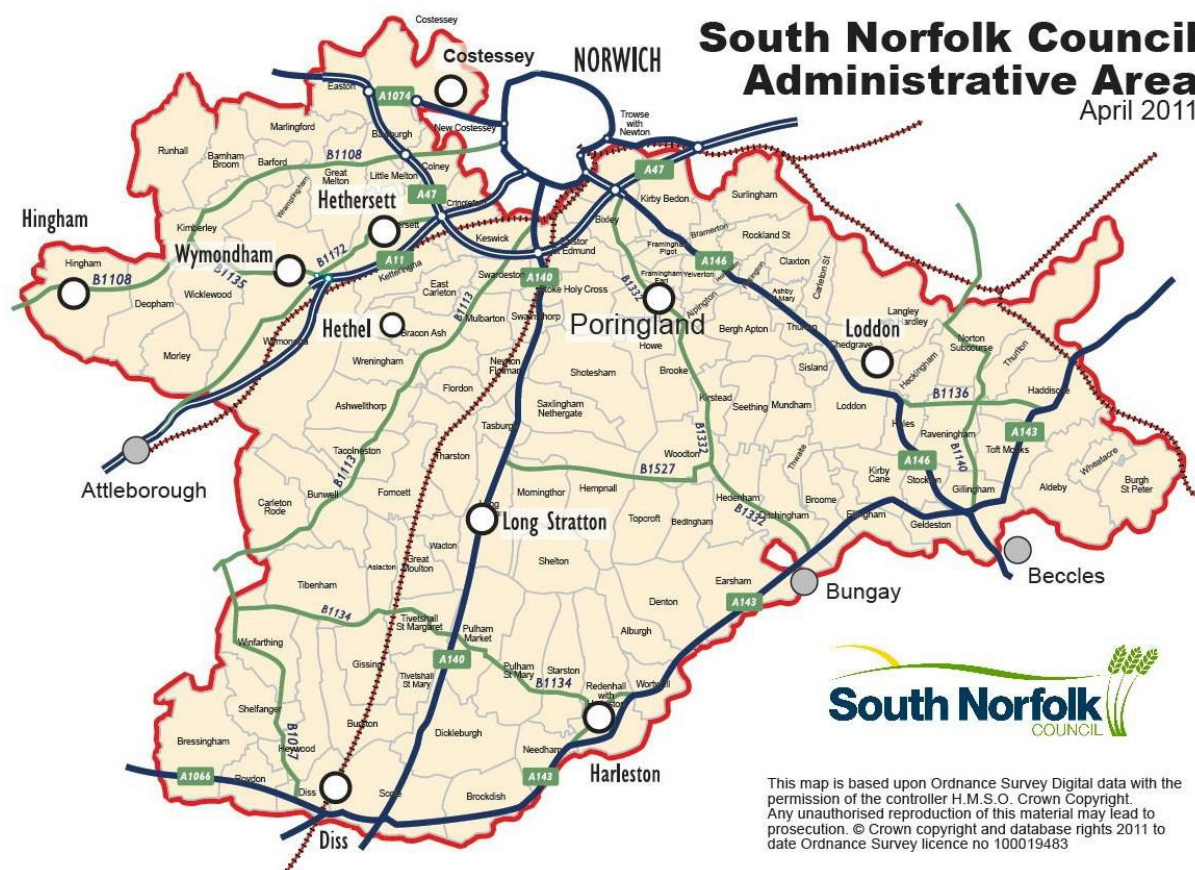
DRAFT

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

## 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:

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

- 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~~ Council offices  
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. Subject to any prior amendment ~~Th~~is 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@south-norfolkandbroadland.gov.uk](mailto:licensingteam@south-norfolkandbroadland.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. All applications will be determined in accordance with this policy unless there are compelling reasons to depart from the policy requirements in the individual circumstances of the case.~~

## 8 Committee Procedure and Right to Appeal

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

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

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

## 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 granted, 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 their duties under s165 of the Equality Act 2010, 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.~~ S.166 of the Equality Act 2010 allows the Authority to exempt drivers from the duties to assist passengers in wheelchairs, but only if they are satisfied that it is appropriate on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

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

## 12 Low Emission and Electric Vehicles

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

Zero emission vehicles emit zero emissions in their life-cycle. ~~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

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emissions of the vehicle. Further detail will be provided on any such schemes as it becomes available.

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

Vehicles, operators and drivers are otherwise expected to be fully compliant with all other relevant private hire and hackney carriage licensing requirements and conditions. Every application will be considered against the policy. Any person may request an exception to the policy but the applicant must be able to demonstrate sound and compelling reasons as to why the Licensing Committee should consider departure from the policy.

**Where this policy refers to the Licensing Committee, this refers to the Licensing, Appeals and Complaints 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.<br>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.<br>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   | <p>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.</p> <p>All criminal record information must be considered for this occupation type, whether or not it might be considered 'spent' under other circumstances.</p> <p>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.</p> |
| 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<br><br>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<br><br>DBS Checks <b>must</b> 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.<br><br>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.<br>See <b>Appendix 1- Convictions Policy</b> .   |
| 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 <del>your</del> licence is issued.   |
| Information regarding <del>p</del> Previous <del>L</del> icences, revocations or refusals   | Checks will be made with the National Anti-Fraud Network database (NR3) for refusals and revocations of Hackney Carriage or <del>P</del> private <del>h</del> ire 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.~~

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 <u>from 1 April 2025</u> . Drivers who have not subscribed to the update service <u>by 1 April 2025</u> will be required to complete a new enhanced DBS disclosure every six months. <u>Any DBS disclosure certificate must be no older than 30 days at the time of application.</u>  |
| 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                            | <del>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.</del> <u>Where the Council has concerns regarding an existing licensed driver's ability to communicate in English they will be required to undertake an English language assessment with a Council approved provider.</u> |

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

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## 5 Convictions, Cautions and Penalty Points Policy

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

In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the DBS enhanced disclosure report in so far as it is relevant to the application for a licence.

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

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

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

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

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

"Would you (as a member of the Regulatory Committee or other person delegated with the ability to grant Driver's Licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

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~~may be taken

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into account by the licensing authority together with any known reasons why no conviction has occurred.

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

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

## 6 Disability Awareness and Safeguarding Training

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

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

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

## 7 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.

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Drivers must:

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

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

The licensing authority will maintain a list of designated wheelchair accessible vehicles on its website.

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

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

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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 a~~ 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.<br>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           | <p>Before a licence application is made in respect of a Hackney Carriage vehicle, the applicant being the proprietor of the vehicle should ensure that:-</p> <ul style="list-style-type: none"> <li>(a) The vehicle is in a satisfactory and safe condition for the carriage of passengers.</li> <li>(b) The vehicle is suitable in type, size and design as a hackney carriage vehicle.</li> </ul>   |
| Vehicle Fitness Standards      | <p><b>Type Approval</b></p> <p>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;</p> <ul style="list-style-type: none"> <li>• M1 Category European Whole Vehicle Type Approval;</li> <li>• British National Type approval; or in the case of converted vehicles British Single Vehicle Approval (before 29 April 2009); or</li> <li>• Individual Vehicle Approval (from 29 April 2009) to M1 standards.</li> </ul> <p>For more information visit:<br/> <a href="https://www.gov.uk/vehicle-approval">https://www.gov.uk/vehicle-approval</a></p> <p>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 <b>new</b> application or <b>renewal</b> licence being granted</p> <p>The Vehicle must be capable of complying with the Council's policy requirements and conditions for Hackney Carriages.</p> <p>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.</p> <p>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 <a href="http://www.southnorfolkandbroadland.gov.uk">www.southnorfolkandbroadland.gov.uk</a>.</p> |

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| LICENSING CRITERIA  | REQUIRED STANDARDS   |
|---|--|
| <p>All vehicles must comply with the following requirements:-</p> <p><b>The council will not permit vehicles to be licensed for dual purposes or licensed by more than one authority.</b></p> | <ul style="list-style-type: none"> <li>• Be a vehicle fitted with four road wheels and at least three doors (see access to doors below)</li> <li>• Be a right hand drive.</li> <li>• Be capable of being identified as a Hackney Carriage</li> <li>• Have a seating capacity of not more than eight passengers in addition to the driver</li> <li>• The vehicle must have seats with a minimum width of not less than 408mm (16 inches) per person</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> |

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| LICENSING CRITERIA   | REQUIRED STANDARDS   |
|--|--|
| <p>Access to Doors</p> <p>Currently licensed vehicles which do not meet the <b>new</b> criteria may continue in service until they reach the maximum age policy for such vehicles.</p> | <p><del>No new vehicle shall be licensed which would require any passenger to climb over any luggage or obstruction in the vehicle.</del></p> <p><u>Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.</u></p> <p><u>No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.</u></p> <p><u>Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety</u></p> <p>All passenger seats must have unobstructed access to the exit doors.</p> |
| 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 <u>sign</u> 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.   |
| <u>Door Signs</u>  | <u>Door Signs – The vehicle must display South Norfolk Council approved door signs</u>   |

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| LICENSING CRITERIA                  | REQUIRED STANDARDS  |
|-------------------------------------|---|
| Trailers                            | <p>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.</p> <p>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.</p>   |
| LOLER Certificate – hoist equipment | <p>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/<del>report must be produced to the Licensing Authority to that effect. thorough examination report must be produced to the Licensing Authority. Where a thorough examination report includes identification of any part found to have a defect which is or could become a danger to persons, the report must be produced to the licensing authority by the quickest practicable means without delay. In all other cases, the report is to be provided within 21 days of the inspection date.</del></p> |

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

## DRAFT OF PROPOSED NEW HCPHV&O POLICY

| LICENSING CRITERIA   | REQUIRED STANDARDS   |
|--|--|
| <p>Vehicle Fitness Standards</p>   | <p><b>Type Approval</b></p> <p>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;</p> <ul style="list-style-type: none"> <li>• M1 Category European Whole Vehicle Type Approval;</li> <li>• British National Type approval; or in the case of converted vehicles British Single Vehicle Approval (before 29 April 2009); or</li> <li>• Individual Vehicle Approval (from 29 April 2009) to M1 standards.</li> </ul> <p>For more information visit:<br/> <a href="https://www.gov.uk/vehicle-approval">https://www.gov.uk/vehicle-approval</a></p> <p>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 <b>new</b> application or <b>renewal</b> licence being granted</p> <p>The Vehicle must be capable of complying with the Council's policy requirements and conditions for Private Hire Vehicles.</p> <p>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.</p> |
| <p>All vehicles must comply with the following requirements:-</p> <p><b>The council will not allow vehicles to be licensed for dual purposes or licensed by more than one authority.</b></p> | <ul style="list-style-type: none"> <li>• Be a vehicle fitted with four road wheels and at least three doors (see access to doors below)</li> <li>• Be a right hand drive.</li> <li>• Be capable of being identified as a Private Hire Vehicle</li> <li>• Have a seating capacity of not more than eight passengers in addition to the driver</li> <li>• The vehicle must have seats with a minimum width of not less than 408mm (16 inches) per person</li> <li>• 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</li> </ul>  |

## DRAFT OF PROPOSED NEW HCPHV&O POLICY

| LICENSING CRITERIA   | REQUIRED STANDARDS  |
|--|---|
|  | <p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> |
| <p>Access to Doors</p> <p>Currently licensed vehicles which do not meet the <b>new</b> criteria may continue in service until they reach the maximum age policy for such vehicles.</p> | <p><del>No new vehicle shall be licensed which would require any passenger to climb over any luggage or obstruction in the vehicle.</del></p> <p><u>Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.</u></p> <p><u>No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.</u></p> <p><u>Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety</u></p>  |

## DRAFT OF PROPOSED NEW HCPHV&O POLICY

| LICENSING CRITERIA                  | REQUIRED STANDARDS   |
|-------------------------------------|--|
|                                     | 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        | <p><i>No licensed Private Hire vehicle may display a roof sign without obtaining prior consent <u>from the Council</u>.</i></p> <p>The proprietor may, by written application to the Licensing Section, request permission to permanently fix an illuminated roof sign or roof bar to a Private Hire Vehicle.</p> <p>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.</p> |
| Door Signs                          | <p>Door Signs – <del>Door signage to be used on all Private Hire vehicles in the format prescribed by the Licensing Committee</del><u>The vehicle must display South Norfolk Council approved door signs</u></p>   |
| Trailers                            | <p>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.</p> <p>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.</p>  |
| LOLER Certificate – hoist equipment | <p>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/<del>report must be produced to that effect.</del><u>thorough examination report must be produced</u></p>  |

## DRAFT OF PROPOSED NEW HCPHV&O POLICY

| LICENSING CRITERIA                   | REQUIRED STANDARDS   |
|--------------------------------------|--|
|                                      | <u>to the Licensing Authority. Where a thorough examination report includes identification of any part found to have a defect which is or could become a danger to persons, the report must be produced to the licensing authority by the quickest practicable means without delay. In all other cases, the report is to be provided within 21 days of the inspection date.</u>  |
| 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.

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

## 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**

(Please see [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 (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF), 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 requirements of 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 in 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 driver's responsibility to ensure that the fire extinguisher carried in the vehicle is:

- a) of the correct type, (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF),
- 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:

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

- DVLA Registration Document (V5).
- 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 South Norfolk 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 (completed within the last month) at time of application for the Operator licence or at the time of employment, whichever is sooner. This must be produced to the Licensing Authority and recorded on the personnel file to be inspected by officers as part of the inspection process.
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 – Consideration of Previous Convictions and Cautions for Licensing Hackney Carriage or Private Hire Drivers) ~~Assessment of previous convictions~~, other than

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those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

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.

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

## 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 except in the circumstances mentioned in paragraph 3(b) below.**

### 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

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

## 7. ARRESTS, CONVICTIONS, CAUTIONS AND MOTORING OFFENCES

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

- a) Any arrests, convictions, cautions, motoring or otherwise (including fixed penalty notices and penalty points, or attendance on a speed awareness course),
- b) Any voluntary attendance at a Police interview in relation to a criminal investigation,
- ~~a)c)~~ Their vehicle being stopped by the Police for any reason,
- ~~b)d)~~ 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 and complete both a Safeguarding and Disability Awareness training course. Existing drivers who have not completed this training, must do so before the licence can be renewed. Drivers who cannot prove having completed the course, 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 must immediately notify the Licensing Authority and will automatically have their Private Hire Driver Licence suspended by an Authorised Officer. Drivers must return their badge to the licensing team. When considered in accordance with the Penalty Points policy, if eligible, the driver may be required to appear before the Licensing Committee for the licence application or reinstatement to be considered.

## 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 or other pre-agreed location. Drivers agree to produce any information reasonably requested during the course of such

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

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.

## 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)~~(b) 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)~~(c) Drivers must provide a copy of their drivers' licence to the Operator before starting work.

~~(e)~~(d) 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

## DRAFT OF PROPOSED NEW HCPHV&O POLICY

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.

### 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.**

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

## HACKNEY CARRIAGE VEHICLE – LICENCE CONDITIONS

The Proprietor is responsible for

### 1. RENEWALS

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

### 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 of the Council.

### 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, or other pre-agreed location, for interview, production of documents or information reasonably requested. This will include attending the Council offices to produce such information requested during the course of an investigation.

### 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 prior 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.

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

- (h) In the event of revocation or suspension, the owner of the vehicle must return the licence plate.
- (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 owner of the vehicles' 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 of the vehicle 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, or attendance on a speed awareness course, within 7 days of such event.
- b) If a driver is arrested for any offence, voluntarily attends a Police interview in relation to a criminal investigation, or has their vehicle stopped by the Police for any reason, 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.

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- 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.

## 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 (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF).

## 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

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

- 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.
- 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

## 24. COMPLAINTS

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

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

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

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

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

<sup>1</sup> s73 Local Government (Miscellaneous Provisions) Act 1976

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

## PRIVATE HIRE VEHICLE LICENCE CONDITIONS

### 1. RENEWALS

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

### 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.

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8. In the event of revocation or suspension, the owner must return the licence plate within 7 working days.
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 of the vehicle must return the licence plate to the Council.
- (i) Owners must not cause or permit the use of the vehicle otherwise than in compliance with the above and below conditions.

## 10. ELECTRONIC COMMUNICATIONS AND DIGITAL BOOKING SYSTEMS

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

## 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 (the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF).

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## 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

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.**

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

## 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~~an authorised officer of the licensing authority, 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 ~~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:

# DRAFT OF PROPOSED NEW HCPHV&O POLICY

- 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.

## Complaints

- b) All Proprietors and Operators must maintain a record of all complaints received. This may be electronic or written. If written it will comprise of bound numbered pages. Each complaint will contain the following information:
- Date and time of incident
  - Location of incident
  - Details of complainant including contact details
  - Driver details and licence number
  - Details of the complaint
  - Outcome of investigation
- c) Where the nature of the complaint amounts to an offence e.g. public order, traffic violation, assault, taxi related offence etc the licensing authority must be informed as soon as possible.

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- d) Proprietors and Operators are legally obliged<sup>2</sup> to co-operate with any enquiry by the Authority and disclose records relating to complaints where lawfully required to do so. Any refusal, undue delay or obstruction to that investigation may bring into question the suitability of the licence holder to remain so which may lead to prosecution, suspension or revocation of the licence or referral to the Regulatory Committee.

## 3. ELECTRONIC COMMUNICATIONS AND DIGITAL BOOKING SYSTEMS

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

## 3.4. 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 that they receive.
- (e) The operator should advise the Council of changes of drivers within seven days of the change.

## 4.5. 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.
- (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.

## 5.6. PLANNING PERMISSION

The operator is recommended to ~~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's licence does not authorise the use of premises without planning permission.

## 6.7. NOTICES

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<sup>2</sup> s73 Local Government (Miscellaneous Provisions) Act 1976

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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.

## **7.8. 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.

## **8.9. 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.

## **9.10. 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.

## **10.11. EMPLOYMENT OF OFFICE/DISPATCH STAFF**

- (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.

## **11.12. 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

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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.

~~The operator must~~ immediately notify the complainant of their right to forward the complaint to the Council.

- (3) 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 ~~under~~ driver
- (4) 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.
- (5) When a complaint is received by the Council and is investigated by ~~an~~the authorised officer ~~of the licensing authority~~, the operator shall comply with all reasonable requests of the officer in respect of that complaint.

### 12.13. 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.

### 13.14. CONVICTIONS

- 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, voluntary attendance at a Police interview in relation to a criminal investigation, penalty points or conviction of any driver utilising their operator licence, or the stopping of any licensed vehicle by the Police for any reason.

### 14.15. 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.

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## **15.16. RENEWALS**

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

## **16.17. 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 under, or non-compliance with any provision contained within the relevant part of the Local Government (Miscellaneous Provisions) Act 1976.
- (b) ~~Unfitting~~ Conduct of the operator which in the view of the Council renders them unfit to hold an operator's licence.
- (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 [\*Data Protection Act 2018\*](#), members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

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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 ~~in an~~ exceptional circumstances where there is a demonstrated need and must be in compliance with the Information Commissioner's Office guidance.

## Guidance

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

[cctv-code-of-practice.pdf \(ico.org.uk\)](https://ico.org.uk/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/612222/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/612222/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/612222/12_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 [\(available on the website\)](#).

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

### The Council also operates a 'Vehicle Defect Scheme'

A vehicle which fails an inspection/safety check during the currency of a licence will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection. Failure to ensure that the vehicle is re-inspected and passes the check 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, cautions or unacceptable behaviour will ~~weigh heavily against a~~ be taken into serious consideration before a licence ~~being~~is granted or retained. Where an applicant has more than one conviction (including caution, reprimand, warning or other reprehensible behaviour) which could indicate showing a pattern or tendency irrespective of time since the convictions (caution, reprimand, warning or other reprehensible behaviour), serious consideration will need to be given as to whether they are a safe and suitable person. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

| OFFENCE  | REQUIRED STANDARDS  |
|--|---|
| <b>Crimes resulting in death OR Intention to cause death or serious injury of another person</b> | 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<br><b>They will not be licensed.</b>  |
| <b>Exploitation</b>  | 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,<br><b>They will not be licensed.</b><br><br><b>This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.</b> |
| <b>Offences involving violence</b>   | Where an applicant has a conviction for an offence of violence, or connected with any offence of violence,<br><b>a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</b>   |
| <b>Possession of a weapon</b>  | Where an applicant has a conviction for possession of a weapon or any other weapon related offence,<br><b>A licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</b>   |
| <b>Sex and indecency offences</b>  | Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency,<br><b>A licence will not be granted.</b><br><br><b>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.</b>  |

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| OFFENCE  | REQUIRED STANDARDS   |
|--|--|
| <b>Dishonesty</b>  | Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence,<br><b>A licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</b>   |
| <b>Drugs</b>   | 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,<br><b>A licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</b><br><br>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs,<br><b>A licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</b><br><br>In these circumstances, any applicant will also have to undergo drugs testing, <u>with a Council approved provider</u> , at their own expense to demonstrate that they are not using controlled drugs. |
| <b>Discrimination</b>  | Where an applicant has a conviction involving or connected with discrimination in any form,<br><b>A licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</b>  |
| <b>Motoring convictions</b>  | 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.<br><br>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.<br><br><b>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.</b>   |
| <b>Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving</b> | Where an applicant has a conviction for drink driving or driving under the influence of drugs,<br><b>A licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.</b><br><br>In these circumstances, any applicant will also have to undergo drugs testing, <u>with a Council approved provider</u> , at their own expense to demonstrate that they are not using controlled drugs.  |

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| OFFENCE   | REQUIRED STANDARDS  |
|---|---|
|   | <p>Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving,<br/> <b>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.</b></p>  |
| <b>Other motoring offences</b>                    | <p>A <b>minor traffic or vehicle related</b> offence is one which</p> <ul style="list-style-type: none"> <li>• does not involve loss of life,</li> <li>• driving under the influence of drink or drugs,</li> <li>• <del>driving whilst using a mobile phone,</del></li> </ul> <p>and has not resulted in injury to any person or damage to any property (including vehicles).</p> <p>Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences,<br/> <b>A licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</b></p> <p>A <b>major traffic or vehicle related</b> offence is one which</p> <ul style="list-style-type: none"> <li>• is not covered above; and also any offence which</li> <li>• resulted in injury to any person or damage to any property (including vehicles).</li> <li>• It also includes driving without insurance or</li> <li>• any offence connected with motor insurance.</li> </ul> <p>Where an applicant has a conviction for a major traffic offence or similar offence,<br/> <b>A licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</b></p> |
| <b>Hackney carriage and private hire offences</b> | <p>Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use),<br/> <b>A licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</b></p>   |
| <b>Vehicle use offences</b>                       | <p>Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles),<br/> <b>A licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</b></p>   |

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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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- 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, <u>vape</u> 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        |
| <u>Any breach of any term of this Policy by a Driver, Proprietor or Operator, which the Council deems, in its absolute discretion, to warrant 3 penalty points.</u> | <u>3</u> | <u>3</u>   | <u>3</u> |

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| Date       | Name  | Consultation Comment(s)  | Licensing Officer Response   |
|------------|---|--|--|
| 07/09/2021 | 1. Robin Loxton<br>Hackney<br>Carriage<br>Proprietor of<br>Robins Taxis | <p><b>Taxi Meters</b><br/>I actually agree with this as it would stop Over/Under Charging.<br/>However, Is there a recognised Installer, who will be responsible for setting the rate per mile etc.<br/>How will this Taxi Meters be controlled and regulated as according to your policy a flag or switch needs to be turned on at the start of a hire. What happens if the driver decides not to turn it on.<br/>Who also is going to decide the Charge per mile rate.<br/>This charge would be different for Taxis working in a rural setting to those in a city or large town setting.</p> <p>The downside of the meters is if you are working in a rural setting where the footfull is vastly lower than a city or large town, will the rate per mile enable the taxi driver/company to be profitable which will enable them to invest in newer vehicles and will benefit the public.</p> <p><b>Electric Vehicles</b><br/>I understand the comments about Low/Zero Emissions, however Electric Vehicles do cause problems.<br/>Due to the reduced range of and Electric Vehicles we could not do our job as fully and complete as we currently do.<br/>Are South Norfolk going to invest in a lot more Fast Charging points.<br/>According to your comments an electric vehicle does approx 100 miles. I currently do 250 miles per day this would mean I would have to re-charge 3 times everyday. That would mean I will have to lose business as the vehicle is off the road.<br/>When you then consider the the cost of an electric vehicle, there is no way we can break even or make a profit.<br/>The car would be off the road more than working.</p> | <p><b>Taxi Meters</b><br/>The Authority will permit any make/model of meter providing it can be calibrated to accept the tariff implemented by SNC/BDC.<br/>Drivers must comply with the conditions for use of the meters.<br/>If taximeters are implemented, the Council will set the tariff charged following a 28 day consultation period with the trade prior to implementation.<br/>The tariff set would be the same across the district.</p> <p><b>Electric Vehicles</b><br/>It is understood that more charging points will be introduced across the district. This forms part of the Government's Greener Transport Initiative.<br/>Electric vehicles should not require charging every 100 miles; technology to improve mileage range is continually improving.<br/>Propose committee agree removal of the comment regarding 100 miles.</p> |

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|      |      | <p>This then would not be acceptable to the driver or the public who rely on us.</p> <p>Currently we have 2 Charging Points in Diss and 2 Charging Points in Eye.</p> <p><b>CCTV</b><br/>I realise that this is difficult.<br/>However, within your policy there is no support or protection for the driver..<br/>Not just for incidents that may happen within the Taxi but also from people who make random phone calls after the event.<br/>If we have CCTV recording all the time these incidents can be reduced, which in most cases I believe would show the driver is right. It would also help the council and police to resolve any issues that may take up a lot of wasted and costly time.</p> <p><b>Age of Vehicles/Electric Vehicles</b><br/><br/>I understand what you are saying, but some vehicles that are 10 years and older that have had regular servicing and been looked after may still be considered to be a Taxi.<br/>However, South Norfolk currently do not license 6 seater vehicles unless they are already licensed as a 6 Seater. If anyone is looking to update there vehicles then what is the policy for 6 Seater vehicles.</p> | <p><b>CCTV</b><br/>Each individual driver/operator will be able to make a decision as to whether they wish to install CCTV within their vehicle. Any CCTV camera installed would be required to comply with the approved CCTV policy.</p> <p><b>Age of Vehicles/Electric Vehicles</b><br/><br/>The current proposed condition specifying a maximum age limit of 10 years for licensed vehicles is intended to work towards the Government initiatives around ensuring vehicles are more environmentally friendly, thereby lessening their impact on the environment. This will also go towards aligning the Authority with the standards set by other local licensing authorities. Officers propose a 5 year delay to the introduction of this condition, to take effect from 1 April 2027.</p> |

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|            |   |   | <p>Newly licensed vehicles would be required to comply with the proposed seating configuration conditions.</p> <p>Currently licensed 6 seater vehicles will retain the grandfather rights granted to them in 2018.</p>   |
| 22/09/2021 | 2. Mark Brown<br>First Class<br>Taxis,<br>Ashwellthorpe | <p>I have read the new policy proposal, I don't think much to it. Just more red tape another reason for people not being bothered to become a taxi driver, we are going down the same road as the haulage business, there is already a shortage of drivers people can't be bothered to expensive to many hoops to jump through.</p> <p>The idea of having two badges one in the vehicle stapled to the dashboard &amp; one on your body, our drivers drive multiple vehicles so in my case I guess I will have to have six badges in each vehicle all the time great !</p> <p>The section on operator licenses having to have planning permission does that mean operators who haven't got it now will need to get it although they have already be issued with one ?</p> <p>Further comments:</p> <p>Hi Rosie I came across this which was written by a a truck driver interesting read, the taxi trade is going the same way it's already happening shortage of drivers, Bestway taxis 25 drivers short &amp; many other companies including myself, difficult to get people who are interested in spending all the money &amp; time to get a badge, which takes months to get. To much red tape to many rules fewer places to pick up, disappearing taxi ranks Wymondham Town centre as an</p> | <p>It is a requirement of the Department for Transport Statutory Standards that all local authorities consider and approve plans to implement these standards by the end of 2021. The proposals go some way to moving towards aligning standards with neighbouring licensing authorities.</p> <p>It is proposed that the additional badges will be placed in a plastic holder on the dashboard. The badges can slide in or out and are easy to transfer between vehicles.</p> <p>Most operators will not require planning permission. Any operator that does not have appropriate planning permission may need to apply retrospectively following advice from Planning officers.</p> <p>It is recommended that Committee note the further comments raised.</p> |

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|      |      | <p>example. once you have your badge a new points system to take it away, this just seems to be the way local authorities work, they seem to want to make it more difficult.</p> <p>On the upside I do like the insensitive for grants for electric vehicles. Mark first class taxis</p> <p>So, you are running out of food on the shelves, fuel in the garages, you can't buy things you need, because the shops can't get their supplies.<br/>Why is that?<br/>A shortage of goods? No<br/>A shortage of money? No<br/>A shortage of drivers to deliver the goods? Well, sort of.<br/>There isn't actually a shortage of drivers, what we have, is a shortage of people who can drive, that are willing to drive any more. You might wonder why that is. I can't answer for all drivers, but I can give you the reason I no longer drive. Driving was something I always yearned to do as a young boy, and as soon as I could, I managed to get my driving licence, I even joined the army to get my HGV licence faster, I held my licence at the age of 17. It was all I ever wanted to do, drive trucks, I had that vision of being a knight of the roads, bringing the goods to everyone, providing a service everyone needed. What I didn't take into account was the absolute abuse my profession would get over the years.<br/>I have seen a massive decline in the respect this trade has, first, it was the erosion of truck parking and transport café's, then it was the massive increase in restricting where I could stop, timed weight limits in just about every city and town, but not all the time, you can get there to do your delivery, but you can't stay there, nobody wants an empty truck, nobody wants you there once they have what they did want.</p> |                            |

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|      |      | <p>Compare France to the UK. I can park in nearly every town or village, they have marked truck parking bays, and somewhere nearby, will be a small routier, where I can get a meal and a shower, the locals respect me, and have no problems with me or my truck being there for the night.</p> <p>Go out onto the motorway services, and I can park for no cost, go into the service area, and get a shower for a minimal cost, and have freshly cooked food, I even get to jump the queues, because others know that my time is limited, and respect I am there because it is my job. Add to that, I even get a 20% discount of all I purchase. Compare that to the UK £25-£40 just to park overnight, dirty showers, and expensive, dried (under heat lamps) food that is overpriced, and I have no choice but to park there, because you don't want me in your towns and cities.</p> <p>Ask yourself how you would feel, if doing your job actually cost you money at the end of the day, just so you could rest. But that isn't the half of it. Not only have we been rejected from our towns and cities, but we have also suffered massive pay cuts, because of the influx of foreign drivers willing to work for a wage that is high where they come from, companies eagerly recruited from the eastern bloc, who can blame them, why pay good money when you can get cheap labour, and a never ending supply of it as well. Never mind that their own countries would suffer from a shortage themselves, that was never our problem, they could always get people from further afield if they needed drivers.</p> <p>We were once seen as knights of the road, now we are seen as the lepers of society. Why would anyone want to go back to that?</p> <p>If you are worried about not getting supplies on your supermarket shelves, ask your local council just how well they cater for trucks in your district.</p> |                            |

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|      |      | <p>I know Canterbury has the grand total of zero truck parking facilities, but does have a lot of restrictions, making it difficult for trucks to stop anywhere.</p> <p>Do you want me to go back to driving trucks? Give me a good reason to do so. Give anyone a good reason to take it up as a profession.</p> <p>Perhaps once you work out why you can't, you will understand why your shelves are not as full as they could be.</p> <p>I tried it for over 30 years, but will never go back, you just couldn't pay me enough.</p> <p>Thank you to all those people who have shared this post. I never expected such a massive response, but am glad that this message is getting out there. I really hope that some people who are in a position to change just how bad it is for some drivers, can influence the powers that be to make changes for the better. Perhaps some city and town councillors have seen this, and are willing to bring up these issues at their council meetings. It surely cannot be too much to ask of a town/city to provide facilities for those who are doing so much to make sure their economies run and their shops and businesses are stocked with supplies. I never wanted any luxuries, just somewhere safe to park, and some basic ablutions that are maintained to a reasonable standard. I spent my nights away from my home and family for you, how much is it to ask that you at least give me access to some basic services.</p> <p>There are tens, maybe hundreds of thousands of licence holders just like me, who will no longer tolerate the conditions. So the ball is firmly in the court of the councils to solve this problem.</p> |                            |

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| 13/10/2021 | 3. Chedgrave Parish Council                    | <p>The Convictions, Cautions &amp; Penalty Points Policy (1.5) contains an omission in the checks SNC carry out. A driver who is caught speeding can opt to take a "Speed awareness course" if their speed is below a certain threshold. This means that they have a speeding conviction but if they pay a course fee their name will not appear as having a conviction. Chedgrave Parish Council feels that a potential applicant for a taxi or hackney carriage licence should declare this. I gather that our Chairman Colin Gould has already checked this matter with SNC and it has been agreed that the policy will be changed to include this matter.</p> | <p>It is proposed to include a requirement to notify the authority of attendance at a speed awareness course within the policy.</p>  |
| 29/10/2021 | 4. The operator would like to remain anonymous | <p>We have a few concerns about the policy Why do the vehicles have to be 5 years or newer. There are plenty of really good condition vehicles and hybrids suitable but older. Has this already been implemented, seems to be on the website. 7 years is more realistic</p> <p>10 years end of life seems a bit extreme why not 15 years which I believe Ncc adopts.<br/>Why would we have to apply in writing for a roof sign. This is compulsory if using Norwich taxi lanes.</p>   | <p>The current policy suggests a maximum age on first licensing of five years. The purpose of the proposed condition is to clarify this and make it a policy requirement. This would align more closely with other neighbouring authorities. This will also move towards assisting the Government greener travel initiative by encouraging newer and greener vehicles by 2030.</p> <p>The current proposed condition specifying a maximum age limit of 10 years for licensed vehicles is intended to work towards the Government initiatives around ensuring vehicles are more environmentally friendly, thereby lessening their impact on the environment. This will also go towards aligning the Authority with the standards set by other local licensing authorities. Officers propose a 5 year delay to the introduction of this condition, to take effect from 1 April 2027.</p> |

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|            |  | <p>How will the duplicate badge work if in and out of different vehicles The penalty points system seems a bit extreme to say the least.</p> <p>With the safeguarding course, medicals and dbs checks and newer vehicles you are putting a heavy strain on smaller companies financially.<br/>It seems as though you are trying to put the small companies out of business.</p>  | <p>It is proposed that the additional badges will be placed in a plastic holder on the dashboard. The badges can slide in or out and are easy to transfer between vehicles.</p> <p>It is not the intention of the Authority to put small companies out of business. The Authority is required to carry out the safeguarding training, medical assessments and enhanced DBS checks as part of the Statutory Standards. These are not new requirements and are already in place for all new applicants. It is the Authority's role to protect public safety and these checks ensure licensed drivers are fit and proper people.</p> |
| 29/10/2021 | 5. Carl Churchyard, Operator of Able Taxis | <p>As a general overview the taxi trade has had a pretty rough time over the last 15 months or so with reduced trade and increasing costs, although the last 3 months have seen some improvement general, taxi work in Diss has levelled off now at around 20% down on pre pandemic levels, trade from the railway station is still over 50% below pre pandemic levels, also with fuel prices rising considerably (approx 17% since April 21 with no sign of stopping) finances are being stretched already, these factors should be seriously taken into account when thinking of the implementation period in particular.</p> <p>Threats to businesses<br/>Very difficult trading conditions over the last 15 months, Fuel prices have risen by approx 17% since April 21 (and still rising)<br/>Reduction ( in enquiries ) for potential Christmas &amp; New year trade as a result of Covid, (worst case scenario further lockdowns)<br/>Short implementation period bearing in mind the above</p> | <p>The Authority understands that the pandemic has created a difficult working environment for taxi drivers and operators, both practically and financially. However, it is a requirement of the Department for Transport Statutory Standards that all local authorities consider and approve plans to implement these standards. The proposals go some way to moving towards aligning standards with neighbouring licensing authorities whilst ensuring public safety. Some lead-in periods have been allowed for new conditions which may present a greater financial burden to licence holders.</p>                            |

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|      |      | <p>Observations</p> <p>Implementation from 1st of April 2022 leaves a very short period of time to make financial / business plans, taking into account the above threats to the trade I believe delaying by 1 year to April 2023 would give a much needed breathing space.</p> <p>New platings 5 years old or less will still be very challenging financially even if the start date is pushed back to April 2023, I believe age limit of 6 or even 7 years would be much more viable to the trade and would result in no real detriment to Co2 levels produced or standard of vehicle, as most models and engines are the same / similar for the years covered, equally a limit of 10 years going out to 11 or even 13 years would again assist the viability of the trade with little or no detriment to the Co2 output or general standards, (with opportunity to bring age limits down at the next review), extending the deadlines would also make it more likely that a fully electric vehicle would be a more affordable / likely next purchase and would give time for the currently almost non existent charging technologies to be put in place and in the medium term bring more Co2 benefits.</p> <p>With regard to metering it is very difficult to put objective views forward when as part of the consultation process we have been given no indication as to cost of meters &amp; fitting or at what level tariffs will be set at, so we have no way of assessing the effects on potential income, bearing in mind this</p> | <p>The current policy suggests a maximum age on first licensing of five years. The purpose of the proposed condition is to clarify this and make it a policy requirement. This would align more closely with other neighbouring authorities. This will also move towards assisting the Government greener travel initiative by encouraging newer and greener vehicles by 2030.</p> <p>The current proposed condition specifying a maximum age limit of 10 years for licensed vehicles is intended to work towards the Government initiatives around ensuring vehicles are more environmentally friendly, thereby lessening their impact on the environment. This will also go towards aligning the Authority with the standards set by other local licensing authorities. Officers propose a 5 year delay to the introduction of this condition, to take effect from 1 April 2027.</p> <p>The Authority will permit any make/model of meter providing it can be calibrated to accept the tariff implemented by SNC/BDC. Drivers must comply with the conditions for use of the meters.</p> |

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|      |      | <p>and other proposed changes we are very much in the dark as to the future viability of taxing in South Norfolk.</p> <p>With regard to annual medicals for all I do not mean to be flippant but has anyone tried to actually see a doctor in person recently, on a more serious note it is yet another cost and therefore a deterrent to entering / continuing in the trade.</p> <p>In Summary, though I am sure those in Central Government and at County &amp; District level have the best of intentions it should be remembered that much of South Norfolk is rural with limited access to public service transport and the taxi trade is valuable in filling some of the gaps for those of all ages without a car or bus route to access for the weekly shop, medical needs or recreation etc, and also provides a huge amount of school transport for the County council, taxing in "the sticks" is very different to in the large towns and cities in the distances covered between fares and therefore the associated costs, I am sure that we will not be the only taxi company taking a serious look at the number of vehicles and therefore jobs and services we can provide due to increased costs, most of which are beyond SNDC control ie wage &amp; fuel costs, so it is imperative that serious thought is given to the tariff levels (further consultation possibly) and particularly to the timing of</p> | <p>If taximeters are implemented, the Council will set the tariff charged following a 28 day consultation period with the trade prior to implementation.<br/>The tariff set would be the same across the district.</p> <p>The average cost of a medical with a GP is between £70 and £180. Recently, the Authority has approved completion of medicals by D4 Drivers (a private company employing medical professionals) where they have sight of a summary of the applicant's medical record at the time of completing their assessment. D4 Drivers charge £55 for the medical assessment and often have better availability to undertake medicals.</p> <p>It is recommended that committee take note of the concerns raised in this section.</p> |

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|            |   | <p>proposed changes to vehicle regulations rather than the changes which in themselves are in general a positive step.</p> <p>Whilst we all recognise that local authorities and the trade have a duty of care and service to the public that duty will not be well served by a further reduction in the amount of taxis available in the district which will result in more people facing being isolated in rural communities or having to walk further and more often with all the associated dangers that brings, school contracts potentially not able to be fulfilled resulting in missed education and for the opportunity for more cowboy unregulated / unlicensed "operators" to be active using older more polluting vehicles and unchecked drivers with all the associated potential dangers that brings with it.</p> <p>As previously stated it is not so much the proposed changes in regulation but the timing that is the biggest threat to the industry that I have had the privilege to serve in since 1998. Please give the trade the little extra time and help we all need so that we can best serve the public.</p> |                            |
| 30/10/2021 | 6. Phil Bailey, semi-retired operator of Able Taxis Ltd | <p>Firstly, let me say that an updating is much needed and heavily overdue and, even though I no longer have the same role within the district taxi and private hire life, after 30+ years of working in the business I feel I may have some pertinent and valuable input to the process. Sorry if that sounds arrogant but as I have been so involved for probably longer than anyone else anywhere in the District and have spent much of my life in attempting to give the best possible service to the people of south Norfolk, I hope at this key time I may have useful ideas.</p> <p>I do not intend to go through the whole document as although there are areas with which I might have comment I feel that</p>  |                            |

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|      |      | <p>the points are largely fine tuning and not of the same power as the those I do wish to address.</p> <p>Thus:</p> <p><b>Taxi Meters – it is proposed to introduce a requirement for all licensed hackney carriage vehicles to have a meter fitted.</b></p> <p>As you know I have for over 20 years been in favour of such an idea. Indeed, going back to the Days of Alex Evans and again when Rory Ringer was at the helm, I spent no little time coming up with systems for metering that could have been implemented fairly easily. My suggestions fell on deaf ears with the powers that be dismissing the possibilities. So be it .... but now apparently it is a good idea!! I agree BUT:</p> <p>As SNDC are wanting there to be metering in their licenced vehicles, SNDC should pay for installation, calibration, maintenance and testing. Meters are not difficult to "adapt" or "affect" and the only secure way is with total control by Council and the covering of the cost thereof. It would not be right nor proper to say "you must have this - which we have vetoed before - but you will pay for it." If SNDC are not in complete control, there is the almost certain likelihood of "problems". It is also essential that operators know well in advance of provision the tariffs being imposed as that has a direct effect on the income, profitability and thus economic survival of the companies concerned. See worries below.</p> <p>To summarise: good long overdue idea but implementation needs a full review.</p> | <p>The Authority will permit any make/model of meter providing it can be calibrated to accept the tariff implemented by SNC/BDC. Drivers must comply with the conditions for use of the meters.</p> <p>If taximeters are implemented, the Council will set the tariff charged following a 28 day consultation period with the trade prior to implementation.</p> <p>The tariff set would be the same across the district.</p> <p>If SNC were to subsidise or pay in full for the installing, calibrating and maintaining of taxi meters this cost would need to be met directly by licence holders. Therefore, the Authority will permit the use of any make/model of meter, as above. This provides the licence holder with the option of choosing the most cost-effective meter for them and their business.</p> |

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|      |      | <p>*****</p> <p><b>1....Age limit for new vehicles</b> – on first licensing, all vehicles must be less than 5 years old from the date of first registration.</p> <p><b>2....Maximum age limit</b> – 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.</p> <p>I bracket these two proposals together as they are in basics linked and will have the same devastating, disastrous and ultimately destructive effect on Taxi and Private Hire in the region.</p> <p>Firstly, there is a basic flawed belief here that a vehicle of young age is superior to an older vehicle. A good 7-year- old vehicle with say 40,000 miles on it is multi-fold better than a 3-year-old vehicle with 190,000 miles on it. Indeed, not long ago we presented a 12-year-old ( 51,000 miles ) vehicle for plating test to be told that it was the best vehicle of all the vehicles that the particular testing station had seen that year. Sadly, it was written off in accident 10 months later!! for I am sure that it would still be working now several years later. The prevalent feeling of young is better does not always hold water in vehicle matters and the true quality of a vehicle comes down to its use and maintenance. That is why we have testing and the implementation of 6 monthly tests has been first class. I would</p> | <p>The current policy suggests a maximum age on first licensing of five years. The purpose of the proposed condition is to clarify this and make it a policy requirement. This would align more closely with other neighbouring authorities. This will also move towards assisting the Government greener travel initiative by encouraging newer and greener vehicles by 2030.</p> <p>The current proposed condition specifying a maximum age limit of 10 years for licensed vehicles is intended to work towards the Government initiatives around ensuring vehicles are more environmentally friendly, thereby lessening their impact on the environment. Officers propose a 5 year delay to the introduction of this condition, to take effect from 1 April 2027.</p> <p>Following a suggestion by members of the Committee before the consultation period commenced, officers considered drafting a mileage policy in addition to, or to run alongside, an age policy for vehicle. However, following some research by officers only a very small number of authorities have a mileage policy in place. The complexities of using mileage as an indicator as to the suitability of a vehicle for licensing, alongside age, are significant and general feedback is that the benefits reaped from this more complex approach are negligible.</p> |

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|      |      | <p>suggest a new DVLA MOT every 6 months which would then give Government "approval" of the test.</p> <p>Secondly. The time frame suggested for the vehicles of 5 years and 10 years just will not work for the businesses in South Norfolk., especially as the age restrictions are proposed for April 2022 onward. As everyone is well aware the economic effect of all manner of outside factors ranging from covid though Brexit to the recent Budget is hitting small business to a point of breaking. To expect companies, operators or owners to outlay the sort of sums that the suggested ideas would involve is impossible, impractical and totally unrealistic, especially again with an inception date April 2022. I have spoken to various operators on this and all feel the same but to take as an example Able Taxis, of which I obviously have the most detailed knowledge, would have to spend between a 1/3 and 1/2 a MILLION pounds in the next 5 years. The types of vehicles that are being used, as the preponderance of Able work is for school contract transport especially those with specific wheelchair needs, mean that vehicles are hugely expensive and indeed need to work for ten years to fully repay their costs. Even will careful long-term planning the quantity of vehicles affordable would be severely reduced and with the best will in the world the proposals as outlined will destroy this area of work and thus decimates the freedom, individuality and quality of life of those people who rely on these vehicles for so many aspects of their lives of citizens throughout the district. Not only private citizens but school children going to special schools all over the region - Able carry currently over 100 - and the elderly and vulnerable going to their respites and day centres; all decimated. There are not enough of these specialist vehicles and their staff now, so a reduction due to the proposals will result in total system collapse. As a company Able gets asked</p> | <p>It is proposed that there will be a lead-in period of 5 years before full introduction of a ten year maximum age limit. This will give operators an opportunity to plan financially for this change and consider this when adding to their vehicle fleet.</p> <p>It is understood that the taxi trade has been significantly impacted as a result of the pandemic and the Authority wishes to support and assist its licence holders wherever possible. However, the Authority also has a duty to ensure public safety which can be best met by introducing these proposed changes.</p> <p>It is recommended that committee take note of the concerns raised in this section.</p> |

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|      |      | <p>all the time for more and more such work and is already at capacity, the need for <u>more</u> provision is paramount not <u>less</u> and yet these proposals will destroy what is there now. If implemented as proposed the outcome is inevitable and it is probable that not just Able but other operators will cease to be able to trade and the result will be a non-existent Taxi and Private Hire provision in the area. I have spoken to NCC and they have confirmed that this it is indeed the case of a large shortfall and such provision is vital to their provision obligations. I beleive that they were intending to make representation to you.</p> <p>Trying to be positive and as a suggestion guide to age levels for consideration I would suggest substitute 7 for 5 in the above number 1 and 12 for 10 in the above number 2. These adaptations allied to a 12 month pause pre implementation of all the conditions would give a fighting chance to the ideas without the probable destruction of the industry. As some general once said "It will be a damn close-run thing but I believe it might be possible".</p> <p><b>Conclusion</b></p> <p>I want to reassure you that all the above is not an emotive or confrontational response, merely a measured and considered reply based on the 30 years of experience, and detailed inside knowledge I am lucky enough to have. I would suggest that the suggestions outlined in the original proposals are lacking in real inside knowledge and experience of running:<br/>1 a small business and 2 a Taxi and Private Hire business.</p> <p>This proposed document seems to be a reflection of the demands of Central Government and ideas thus founded in urban working and with a lack of the real facts of life in</p> |                            |

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|      |      | <p>commercial 2021 rural South Norfolk. I feel that had the real interest of the region been considered clearly then two or three experienced and knowledgeable operators could have been co-opted on to a "think tank" to produce workable and practical possibilities. Being dramatic: what is proposed will destroy the system, damage the economy of the region, increase unemployment and impact negatively the quality of life of the citizens of South Norfolk.</p> <p>*****</p> <p>Enough of the negative. Being positive suggestions would be:</p> <p>A postponement of implementation of any revamp to the system until April 2023. This will allow for production of a good strong document, time to prepare for implementation and a full understanding for all parties</p> <p>Co-opting of two or three experienced operators to a group charged with producing a document that is positive, productive and forward thinking to the betterment of the system and citizens of South Norfolk.</p> <p>I trust that this is of use to you and await the outcome of any review of the situation. As we both know this is a huge update to the provision of quality transport in our area. Get it wrong and the area will be damaged to a state that will take years to repair. Get it right and the service provided will have a foundation that will produce a system that is good for all in South Norfolk and a credit to all.</p> <p>Sorry if I have gone on but as you know I have always cared deeply for the region's transport provisions and now is no exception.</p> | <p>It is recommended that committee take note of the concerns raised in this section.</p> |

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|            |  | Should you, or anyone else, need further details or clarification of what I have said. I am happy to oblige.   |  |
| 20/10/2021 | 7. Licensing Team, South Norfolk Council | <p>The new proposed licence condition (page 17) states, “No <b>new</b> vehicle shall be licensed which would require any passenger to climb over any luggage or obstruction in the vehicle.</p> <p>All passenger seats must have unobstructed access to the exit doors.”</p> <p>The current condition states, “Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.</p> <p>No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.</p> <p>Any vehicle’s suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.”</p> <p>It is the officer recommendation that the current condition is retained. The effect of the condition remains the same. However, the current condition is clearer and provides further explanation of the reasoning behind it.</p> | It is recommended that Committee considers amending the draft policy to replace the proposed new condition with the current condition. |

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| 20/10/2021 | 8. Licensing Team, South Norfolk Council  | One of the proposals within the draft policy is to introduce six monthly checks with the DBS Update Service. The effect of this is that the driver's criminal record will be checked by officers every 6 months. However, in order to achieve this, each driver needs to be registered with the Update Service; something which they would normally do at the time they receive their disclosure from the Disclosure and Barring Service on application or renewal. There is also clearly a staff resource consideration where every licensed driver's criminal record is going to be checked on a 6 monthly basis.  | It is recommended that Committee considers a three year lead-in period for the introduction of 6 monthly Update Service checks, to take effect from 1 April 2025. This will allow officers to convey the information to licensed drivers that, at their next full DBS check, they will need to register with the Update Service at the same time. This reduces the burden on both officers and drivers. It will also assist the Team with ensuring the resources are in place to process these checks. |
| 20/10/2021 | 9. Licensing Team, South Norfolk Council  | Further clarification recommended in respect of the type of fire extinguisher to be carried in licensed vehicles.  | Recommend inserting the following wording into the fire extinguisher specification, "(the fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF)"  |
| 21/10/2021 | 10. Julie Gowland, Birketts Solicitors    | Amendments to the Policy proposed as per tracked changes within the draft Policy document.   | Changes as proposed within draft document as tracked changes (those not in italics).   |
| 1/11/2021  | 11. Licensing Team, South Norfolk Council | In order to ensure that the policies covering both the Broadland and South Norfolk licensing authority areas are as aligned as possible, it is proposed that the amendments to the document as suggested by the Broadland District Council legal advisers (NPLaw) are also incorporated into the final document. All amendments proposed are for clarification and do not significantly change the purpose or content of the Policy. This will greatly assist officers in processing applications and carrying out enforcement across the two districts. It is also proposed to incorporate the amendments suggested by Birketts Solicitors into the Broadland District Council draft Policy document. | Changes as proposed within draft document as tracked changes (in italics).   |