



## **Hackney Carriage and Private Hire Policy**

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

<https://www.threerivers.gov.uk/egcl-page/licensing>

**Adopted on 22 July 2019  
Effective from 1 October 2019**

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## 1. Definitions

For the purpose of this policy -

**Authorised officer** shall mean any officer within the Council authorised by the Council's scheme of delegations as set out in the Council's Constitution.

**The Council** shall mean Three Rivers District Council.

**Hirer** shall mean any person or persons who from time-to-time hires or books the vehicle.

**Licensee(s)** shall mean the person(s) named in the licence.

**Operator** shall mean a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. A private hire operator's licence is required to enable a person to accept or invite bookings for private hire vehicles.

**Working day** is any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

**Additional Periods** This is an amount of time after the length of a criminal sentence that needs to expire before we would consider making a licensing decision about an applicant. For example, someone's length of sentence for robbery may be two years, but they only serve six months' imprisonment. We would not consider that person fit and proper for those two years and for an additional period of three years (that is, five years in total from the date of conviction). **The additional periods are set out in 24 of the policy below.**

**Free of conviction** shall mean from the date the applicant was convicted. If the incident did not amount to a criminal offence or is not to be prosecuted, then the relevant date will be the date of the incident.

**Offence** shall mean any criminal offence and/or any other behaviour including a civil penalty which brings into question whether the applicant is a fit and proper person.

**Conviction** shall mean a criminal conviction or a civil penalty. However if the applicant is on trial, is not to be convicted or the incident did not amount to a criminal offence, the suggested periods free from convictions shall be considered by the Council when making their decision, taking all the evidence before them into account.

**Caution** an admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the court.

## 2. Introduction

This policy has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 and Town and Police Clauses Act 147 which places the duty on the Council to carry out licensing functions in respect of hackney carriage and private hire vehicle, drivers and operators.

In carrying out its said regulatory licensing functions, the Council will have regard to this policy document. Where it is necessary for the Council to depart from this policy, clear reasons will be given for doing so.

Following consultation and adoption by the Council, this policy shall be kept under review and revised as necessary. The Head of Regulatory Services is authorised to make minor amendments to the policy without consultation by the Council.

The policy refers to guidance that is available to applicants, drivers and operators and proprietors to assist them with the application processes and the running of the service. This guidance, application forms and current fees are available on the Council's Website. Before granting or renewing a licence we must be satisfied that the applicant is a "fit and proper person" to hold a licence, as set out in sections 51, 55 and 59 of the 1976 Act. This policy sets out how we decide not only whether an applicant is fit and proper when applying for a licence, but to assess whether they remain so once a licence has been issued.

This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver's licence

- Existing licensed drivers whose licences are being reviewed / renewed
- Licensing officers
- Members of the Regulatory Services/Licensing committee/sub-committee
- Magistrates and Judges hearing appeals against local authority decisions

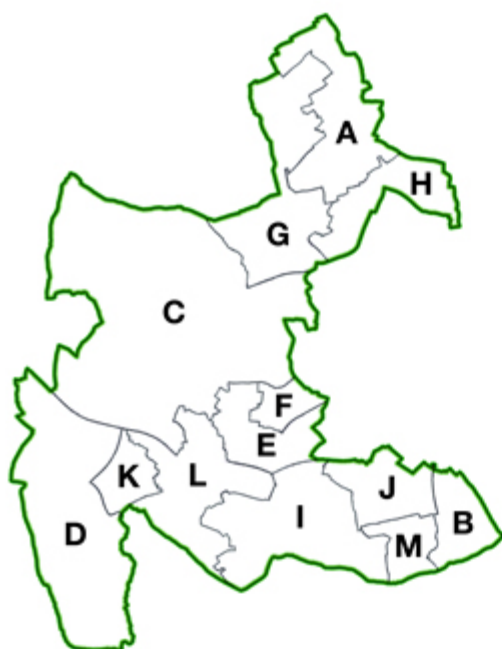
This policy provides guidance to all parties on the criteria that will be taken into account when determining whether or not an applicant or an existing licence-holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence. Whilst criminal convictions play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities, and police information etc.

The term "Fit and Proper" for the purposes of taxi and private hire licensing is not legally defined but it has also been described as "safe and suitable" in a number of court cases.

### 3. Background

3.1. Hackney carriage and private hire vehicles have a distinct role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

#### 3.1 Three Rivers District Council Boundary



- A = [Abbots Langley and Bedmond](#)
- B = [Carpenders Park](#)
- C = [Chorleywood North and Sarratt](#)
- D = [Chorleywood South and Maple Cross](#)
- E = [Dickinsons](#)
- F = [Durrants](#)
- G = [Gade Valley](#)
- H = [Leavesden](#)
- I = [Moor Park and Eastbury](#)
- J = [Oxhey Hall and Hayling](#)
- K = [Penn and Mill End](#)
- L = [Rickmansworth Town](#)
- M = [South Oxhey](#)

### **3.2 Practice, guidance & legislation**

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. As a result of the Office of Fair Trading producing a report on the UK hackney carriage and private hire trade, the DfT was asked to produce best practice guidance for local licensing authorities. The latest guidance was issued in March 2010 entitled 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance'<sup>1</sup> and represents examples of good or best practice from within England and Wales. However, the document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters in the light of their own circumstances.

The Council has therefore taken account of the DfT guidance to develop this policy.

This policy also takes account of the legislative basis of the Council's taxi licensing powers, including those contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, the Immigration Act 2016 as amended.

### **3.3 Equality Act 2010**

In addition, the Equality Act 2010 has implications for both hackney carriage and private hire operators and drivers in respect of disabled access to vehicles.

### **3.4. Duties to assist passengers in wheelchairs**

#### **3.4.1 General**

Section 165 places a duty on a driver of designated wheelchair accessible hackney carriages and private hire vehicles. The duties are:

- To convey the passenger while in the wheelchair
- Not to make any additional charge for doing so

If the passenger chooses to sit in a passenger seat:

- To take such steps as are necessary to ensure that the passenger is conveyed in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required to enable the passenger to get in or out of the vehicle and to secure/convey the wheelchair as appropriate.

Section 167 of the Equality Act<sup>2</sup> allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair-accessible hackney carriages and private hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165.

Following the full commencement of sections 165 and 167 of the Equality Act 2010 on 6<sup>th</sup> April 2017, the Council will maintain a statutory list of wheelchair-accessible vehicles (i.e. designated vehicles).

Accordingly, drivers of these vehicles are required to carry passengers in wheelchairs, provide assistance to those passengers, and prohibits them from charging extra to do so.

#### **3.4.2. Policy on exempting drivers on medical and physical condition grounds**

The requirements of Section 165 of the Equality Act 2010 do not apply to drivers who are issued with a medical exemption certificate who display the prescribed notice in their vehicle.

Generally, the Council will seek to consider the contents of a driver's medical questionnaire when a driver requests to be granted the required exemption. However, where there is doubt as to the ability of the driver to assist passengers in wheelchairs, the Council may require the driver to obtain a more detailed report from their registered GP, confirming that the driver is not able to provide this service and should be granted an exemption certificate. Any charges associated with additional GP reports must be met by the driver and will not be reimbursed by the Council.

### **3.5. Guide dogs and assistance dogs (sections 168 to 171 of Equality Act 2010)**

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<sup>1</sup> [https://www.gov.uk/search?q=taxi+and+Private+hire+Licensing&show\\_organisations\\_filter=true](https://www.gov.uk/search?q=taxi+and+Private+hire+Licensing&show_organisations_filter=true)

<sup>2</sup> [http://www.opsi.gov.uk/acts/acts2010/ukpga\\_20100015\\_en\\_1](http://www.opsi.gov.uk/acts/acts2010/ukpga_20100015_en_1)

Councils are able to issue certificates to drivers who are exempt by their doctors under strict medical grounds from the duty to carry guide and assistance dogs. Exemption certificates will only be issued when written requirement for this exemption is provided by the driver's registered GP practice.

There is [comprehensive guidance issued by the DfT](#) in 2010 about the duties to carry guide and assistance dogs and the procedure for granting medical exemptions etc.

### **3.6. Immigration Act 2016**

The Immigration Act 2016 requires 'right to work' checks to be carried out on any applicant applying for a new or renewal of a hackney carriage driver's licence, private hire driver's licence or operator's licence. Where a right to work is indefinite, this check is only required once; where it is time limited, licences may only be granted for that period and a further check is required when the existing right to work expires.

## **4. Policy aims & objectives**

### **4.1 Objectives**

- the protection of the public
- the maintenance of a professional and respected hackney carriage and private hire trade
- access to an efficient and effective local transport service
- the protection of our local environment
- to support small businesses by ensuring a consistent and fair approach.

### **4.2 Aims**

The Council will aim to achieve these objectives in the following ways:

- by ensuring that licensed vehicles do not give rise to a risk to passenger safety
- by ensuring that licensed drivers are fit and proper persons and achieve as high a standard of good practice as is possible
- by ensuring that licensed vehicles meet emissions standards and encouraging the use of low polluting vehicles
- by encouraging the use of vehicles that are more accessible to persons who have disabilities
- by ensuring that licensed vehicles are comfortable and properly insured
- by liaising with the County Council highways department to encourage that taxis and private hire vehicles form part of the wider strategic transport and local transport plans
- by working in partnership with a variety of other agencies to support the Council's objective in relation to both the public and the trade
- by reducing the frequency with which licence-holders are required to attend the Council offices
- by ensuring online accessibility to allow remote application by new and existing licence-holders
- by utilising electronic and mobile communication methods including the use of SMS messaging and extranet sites.

### **4.3 Methods**

The methods to be employed will include:

- work with the taxi and hackney carriage trade to deliver ongoing improvements, innovate, and deal with emerging issues
- setting the standards for the licensing of vehicles, drivers and operators
- annual licensing and routine inspection of vehicles, with appropriate follow-up action
- routine inspection of documents, with appropriate follow-up action
- routine checks of a driver's medical fitness and criminal record history during the time the licence is in force and knowledge of the district, highway code and licensing policy as well as driving ability (at the time of application)
- investigation of complaints with appropriate follow-up action
- liaison with Hertfordshire Constabulary, neighbouring local authorities and other agencies concerning issues of mutual concern
- prosecution, monitoring of contraventions, suspension or revocation of licences for breach of conditions or legislation
- proper training and development of Council officers
- continue to meet ongoing performance and efficiency targets for the service
- provision of information to licensees about good practice and what to expect of any inspecting officer
- promote the use of training/courses for licensees,
- provide mandatory training when it is considered appropriate to do so
- promotional activities to inform and encourage and maintain high standards.

In seeking to meet these aims the Council will actively cooperate, assist and seek advice from agencies including:

- Hertfordshire Constabulary
- Driver and Vehicle Standards Agency
- Herts County Council
- Other local authorities
- Town and Parish Councils
- Three Rivers Railways and London underground
- Disclosure and Barring Service
- Department for Transport
- Driving and Vehicle Licensing Agency
- Home Office
- Department for Work and Pensions
- Other relevant agencies and departments.

## **5. Uniformity**

The authority acknowledges the need to act in a consistent and uniform manner and advocates a common-sense approach to the selection of enforcement action and activities.

The following areas are all considered important in achieving uniformity:

- the awareness of and adherence to this policy
- training, qualifications and supervision of staff and training for Members
- regular practical training and update sessions to ensure uniformity
- use of joint training initiatives with other authorities will also be undertaken
- the ongoing monitoring and auditing of licence-holders, testing stations, and activities
- liaising with other enforcement agencies, adjoining authorities and trade bodies
- compliance with relevant codes of practice/circulars (where not inconsistent with this policy)

## **6. Administration of licences**

Applications for licences will only be validated and then determined when all documents and fee (as applicable) are received, as stated within this policy.

The Council will always aim to produce licences as promptly as possible. Applications will normally be considered within 28 days of validation and, depending on circumstances, an application can then be granted, refused or deferred.

## **7. General fees guidance**

In the event of an application not leading to the issue of a licence, a refund will be provided. Other costs incurred by an applicant such as the cost of any medical and DSA test and criminal record check (paid directly to the provider) or knowledge test will not be reimbursed.

In the event of a licensed driver or operator surrendering their licence before its expiry, no refund will be provided.

Where the surrender is as a result of illness certified to the Council by a registered medical practitioner, a pro rata refund shall be payable for the remaining full months of the licence.

All licence fees must be paid by credit/debit card.

## **8. Service standards**

Subject to amendment from time to time by the Head of Regulatory Services it is the intention of the Council to offer the following service levels:

You are able to contact the customer service team by email, through the website, or by phone who will take your enquiry and details of which will be passed to the appropriate member of the licensing team. This process is to reduce the need for licence-holders to travel to the council offices and to allow the team to deal with enquiries as effectively as possible.

**The customer services team can be contacted by phone from 8:30am to 5:30pm, Monday to Thursday and 8:30 to 5:00pm on Fridays (excluding Bank Holidays) and can be contacted on 01923 776611.**

The One Stop Shop is open for visitors from 8.30am to 5.00pm, Monday to Thursday, 8.30am to 4:30pm Fridays (excluding Bank Holidays) at Three Rivers House, Northway Rickmansworth WD3 1RL. Drivers can e-mail general enquiries to: [enquiries@threerivers.gov.uk](mailto:enquiries@threerivers.gov.uk) or [licensing.team@threerivers.gov.uk](mailto:licensing.team@threerivers.gov.uk)

Although the Council has 28 days to issue a licence upon receipt of a valid application, the Licensing section will strive to:-

- Issue a private hire driver/hackney carriage driver licence as promptly as possible and usually within 7 working days of the application being validated
- Issue a private hire/hackney carriage vehicle licence as promptly as possible and usually within 7 working days of the date of receipt of a complete and valid application
- Issue change of vehicle licences as promptly as possible and usually within 2 working days of the application being validated.

## **9. Notification of decisions**

Any notice required to be served by the Council under this licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of, the holder of the licence. Notices may also be served by email and will be deemed served on the individual once sent.

## **10. Monitoring**

All documents will be checked for authenticity when submitted. Routine random checks will also occur throughout the year. In addition, visits will be made both to the ranks and to regular trade pick up points to check compliance. Checks of proprietor and operator documents and records will also be made and taxi ranks/stands and other frequented locations will also be conducted.

The Council will also work in partnership with other agencies and neighbouring authorities to undertake compliance and enforcement activities.

All complaints against licence-holders will be monitored and investigated and action taken in line with this policy as appropriate

## **11. Records**

An up to date electronic record will be kept and maintained of all application details, fees paid, deposits and licences issued, together with the public registers as required by law.

## **12. Data protection**

All information held on files and databases about an applicant is confidential, under the Data Protection Act 1998. However, the Council is under a duty to protect the public and to protect the public funds it administers, and to this end may use any information provided by an applicant within this authority. The Council is under a duty to maintain Public Registers in accordance with the legislative requirements and all registers will be maintained on line through the Council's Licensing Public Register.

For the purposes of crime prevention, and with the purpose of protecting the public and/or protecting public funds, we may also share any information held with other bodies responsible for public functions, where there is a legal basis or a legal obligation to do so. For the most recent Council policy please visit <https://www.threerivers.gov.uk/privacy-notice>

## **13. Safeguarding**

### **13.1 General**

The Council is committed to ensuring the safety and welfare of all vulnerable persons including children and young people, to whom we provide services directly or indirectly and with whom we come into contact.

Drivers are on the frontline, often coming into contact with people who may be vulnerable, for example because they are young, have learning difficulties, be suffering ill health, or be elderly or who have drunk to excess on a night out, or who may have taken an illegal substance. Such persons may be travelling alone or accompanied by another person.

Sadly there are persons who prey on precisely these people and drivers are often best placed to raise concerns over what they hear or see occurring whilst in their vehicles.

Drivers may also have concerns over the vulnerability of passengers who are being dropped off at locations in or out of the district. For example drivers in other authorities have reported concerns that young persons are being dropped off at a particular guest house, hotel or house and are either distressed before being dropped off or after they have been picked up as a fare-paying passenger.



Information is provided on the Council's website in relation to safeguarding and applicants and licensees have a duty to report matters if they suspect harm: <https://www.threerivers.gov.uk/service/safeguarding>

### **13.2 When you have concerns regarding a child**

If you are worried about a young person, you must do something.

There are specialists who can advise you on what to do next. They can also talk to any young person themselves.

If you are concerned about a young person you can contact the Hertfordshire Safeguarding Children Board on **0300 123 4043** or email:

[www.hertfordshire.gov.uk/services/childrens-social-care/child-protection/report-child-protection-concern.aspx](http://www.hertfordshire.gov.uk/services/childrens-social-care/child-protection/report-child-protection-concern.aspx) if you think a child or young person is in immediate danger call 999.

### **13.3 When you have concerns regarding an adult**

If you need to speak to someone urgently about a vulnerable adult:

- Report abuse to Hertfordshire Safeguarding Adults Board: 0300 123 4042 or dial: 999
- Speak to the adult social care team: 01438 84455
- Outside office hours: Complete the online form using the link below.

For up to date information you should visit the safeguarding section of the Hertfordshire County Council website: <https://www.hertfordshire.gov.uk/services/adult-social-services/report-a-concern-about-an-adult/report-a-concern-about-an-adult.aspx>

## **14. Abuse of Drivers by members of the public**

The Council strongly disapproves of any form of abuse, discriminatory or otherwise, directed at drivers by members of the public. However, the Council is not the appropriate authority to investigate such incidents unless these form part of a counter-allegation following a complaint about a driver, in which case information will be obtained from all parties prior to a decision being made on the appropriate action for the Council to take. Incidents of this nature should be reported to the Police via 101 so that they can be investigated. The Council will assist the Police with regards to such investigations as far as possible.

## **15. Powers**

We have powers in sections 61 and 62 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) (the 1976 Act) to:

- suspend
- revoke
- refuse to renew

licences of applicants who have:

- lost their right to work in the UK
- been convicted of an offence involving dishonesty, indecency or violence
- failed to comply with the provisions of part II of the 1976 Act
- failed to comply with the provisions of the Town Police Clauses Act 1847 or
- given the Council any other reasonable cause to act.

## **16. Hackney Carriage and Private Hire Drivers**

Only applicants who comply with the requirements and conditions relating to the licensing of private hire drivers or hackney carriage drivers will be licensed.

Existing drivers must comply with the conditions of their licence, this policy and any relevant legislation during the period of their licence. Failure to do so will result in the consideration of the various sanctions outlined in this policy.

All new applicants are required to pass a specialist driving test as part of their application. Existing drivers who have not passed a driving test as prescribed by the Council will only be permitted to carry up to 4 passengers. This will be stipulated on their licence. Existing drivers are entitled to take the specialist driving test at any time and once passed will be issued a badge permitting 8 passengers, at no additional cost on production of their certificate.

Further, sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that "a district council shall not grant a driver's licence to drive a private hire vehicle or hackney carriage unless

they are satisfied that an applicant is a fit and proper person”.

### **16.1. Fit and proper person – information required for an assessment to be made**

To prove that a person is a fit and proper person to hold a hackney carriage or a private hire driver's licence or dual licence they must provide evidence of:

- Driving standard – through a specialised test driving test supplied by a Council-approved provider (details available on request)
- Medical fitness – on the Council's prescribed form, signed by the applicant's GP or medical practitioner
- Criminal history and behaviour – through an enhanced DBS check
- Knowledge of the local area, highway code, legislation and requirements relating to a hackney carriage and private hire and the Council's policy in the form of a 'knowledge test' designed by the Council
- Two references as to their character and reliability.

Details of the above will be obtained and considered at the time of application, together with any other relevant information. Drivers will be required to maintain their ability to be fit and proper persons whilst licensed and must report any driving offences, changes to medical condition, civil or criminal offences for which they have been interviewed or charged.

If the Council suspects that a driver may have fallen short of the standards required, the Council may need to conduct further enquiries to verify any information provided or the fitness of a person to hold a licence. By submitting an application for a licence or holding a licence applicants give their consent to the release of data where necessary.

Any applicant subsequently found to have provided false information will be dealt with in accordance with the provisions of this policy.

### **16.2. Driving standard and knowledge**

The following requirements must both be demonstrated to establish whether a person's driving standards are acceptable:

- A valid full EU (UK) driver's licence has been held for three years prior to application, and
- Drivers pass a specialised driving test supplied by a Council-approved provider (details available on request) prior to application to ensure they are aware of the hazards of driving. The requirement to take a driving course helps ensure an acceptable standard of driving. Before an application can be validated the applicant must provide a signed copy of the assessment pass certificate which must be current at the time it is submitted.

Through the knowledge test assessment, drivers will be tested on their knowledge of the local area. In addition, drivers will be tested on policy, related law, customer awareness, and elements of the Highway Code. An application cannot be validated unless the applicant has passed the appropriate knowledge test which can be booked [online](#). Applicants taking the test may not receive assistance from a third party.

Drivers must present themselves in a professional manner and have good personal hygiene. Drivers will be expected to wear collared shirt, collared polo shirts or collared blouses which have a full body and short or long sleeves as well as smart long legged trousers (no denim), knee length tailored shorts, knee length skirts or dresses.

Unacceptable examples of clothing or footwear include items which are unclean or damaged, clothing printed with words, logos or graphics which might offend, clothing intended to support any political party, pressure group or other organisation designed to provoke discrimination or objection, sports replica shirts e.g. football, rugby or cricket tops or track suits, beach-type footwear (e.g. flip-flops or mules), high heels, the wearing of hoods or other clothing that obscures the driver's vision or their identity, sports shorts or swimming trunks, and showing a bare chest.

Drivers must conduct themselves in a professional manner and collections should be punctual, drivers polite and knowledgeable of local routes, and vehicles kept clean and operated in accordance with conditions, byelaws and legislative requirements. Hackney drivers should only charge the meter rate or below.

Drivers must not initiate any dialogue of a “sexual” nature with a passenger including by telephone contact, social media, email or any other form of communication. Licensed drivers are not permitted to become involved “sexually”, or have sexual contact with a passenger, whether consent is given or not and whether or not the vehicle is carrying a fare-paying passenger at the time.

### **16.3. Medical fitness**

Drivers are not required to hold a Group 2, EU (UK) full driving licence, but they will have to demonstrate compliance with the medical standards for a Group 2 licence and will have to provide a medical certificate, or the Council's prescribed form to this effect; this should be no older than 3 months at the time of the application being completed.

All drivers are required to provide a certificate signed by their registered medical practitioner to declare whether or not they are physically fit to be the driver of a hackney carriage or private hire vehicle. A medical certificate must be submitted at first application, every 3 years up to 65 years of age, and annually thereafter.

Where an existing licensed hackney carriage driver applies to obtain a private hire licence, or vice versa, an additional medical will not be required.

The Council will have regard to the published Department of Transport "best practice" guidance (as updated from time to time) when considering the medical fitness of new applicants with insulin-dependent diabetes or existing licence-holders diagnosed with insulin-dependent diabetes during the duration of their licence. Where an applicant is insulin-dependent the Council will require annual medical certificates.

Where there is reasonable doubt over a driver's fitness, the Council will require the driver to undertake a medical examination by a registered medical practitioner at any time as specified by the Council or in accordance with DVLA guidelines.

The applicant is responsible for the payment of all fees required for any medical examination.

Drivers must not drive a licensed vehicle if they are suffering from any disease or disability which would cause the licensed vehicle being driven by them to be a danger to the public. Drivers must ensure that they can, at all times, meet the eyesight requirements specified by the Department of Transport driving test.

Drivers must immediately notify the Council and their operator of any illness, injury or other impairment affecting their ability to drive.

### **16.4 Offender history and behaviour**

When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle, applicants must declare **all** criminal or civil cautions or convictions they may have, whether they are foreign or domestic.

Even those regarded as 'spent' under the Rehabilitation of Offenders Act 1974 must be declared.

In addition to this, applicants must notify us if they have been charged with an offence or have any pending prosecutions and if they have ever had a licence suspended, revoked or refused by another authority. Applicants must also advise the Council if they have withdrawn a hackney carriage or private hire application made to another authority, at any stage of the process.

Failure to declare convictions and/or cautions, or giving false information to obtain a licence is an offence and will be treated very seriously. Likewise, giving false information or withholding information to keep a licence will be treated very seriously.

If an applicant has not been a resident in the UK for a period of five years, they will need to obtain a "certificate of good conduct" or similar document from the relevant embassy.

Applicants will also need to register with the Disclosure and Barring Update Service and providing consent to the Council carrying out a check with the Disclosure and Barring Update Service, which will disclose any cautions or convictions that they may have. Information received from the DBS will be treated in the strictest confidence and will be retained on manual and computer records for no longer than is deemed necessary.

Proof of identity is required in order to obtain the Data Barring Service enhanced disclosure. Applicants will be required to provide, amongst other documents, a birth certificate or valid passport, a copy of their EC full driving licence and two utility bills identifying their address. The full requirements are based on the DBS requirements in operation at the time of application and may therefore be varied by the service from time to time.

Applicants must provide a valid DBS enhanced disclosure certificate (that was issued within the last 3

months) and provide details of all convictions/cautions as part of the application.

Section 111 of the Local Government Act 1972 allows district councils to send the driver's application form to the Police, (or other authorised body) and request the chief officer's observations as to the applicant.

Where an existing driver has been interviewed, charged or convicted of an offence, or other relevant information comes to the attention of the Council (such as a caution or fixed penalty notice being issued) which brings into question whether the driver is still a fit and proper person to hold a driver's licence, action may be taken, as outlined in this policy (Section 20).

The existence of a criminal record or disclosure of other information will not necessarily stop any person from gaining or keeping a licence. The decision will be based on the policy on criminal convictions and behaviour in sections 19 and 20 of this policy.

#### **16.5 Suspension, refusal, revocation by another Council**

If a new applicant has been suspended, refused or revoked by another Council, the licensing officer may refuse to issue a licence depending on the reason for the action already taken.

The Council shall also have a right to make enquiries of that other authority.

#### **16.6 Dual driver's licences**

As some individuals may wish to be able to carry out a combination of hackney and private hire work, the Council will provide a dual driver's licence to reduce the burden on the applicant. Dual licence-holders are required to comply with any conditions or byelaws that are relevant to the work they are carrying out at any time, which will be dependent on the licensed vehicle being used.

New applicants for dual licences will be required to obtain an additional qualification as part of the application process such as a relevant BTEC or NVQ.

#### **16.7 Training**

All drivers will be required to attend all mandatory training sessions organised by the Council. Failure to attend mandatory training sessions will constitute a breach of the Council's hackney carriage and private hire policy. At the first instance, contravention points will be issued; any subsequent failure to attend will result in further action being taken against the driver's licence.

#### **16.8 National Register of Taxi Licence Refusals and Revocations**

There is a new initiative which is to help strengthen hackney carriage and private hire licensing for the benefit of both passengers and responsible hackney carriage and PHV drivers.

The Local Government Association (LGA), the representative body for local councils, has commissioned a new National Register of Taxi Licence Refusals and Revocations (NR3). The register will be hosted by the National Anti-Fraud Network (NAFN).

The intention of this is to prevent drivers who have had a hackney carriage or private hire licence revoked, or an application for one refused, going to another authority to dishonestly secure a licence by failing to disclose their previous licensing history.

Instances of drivers doing this in the past have undermined public confidence in the hackney carriage and private hire trade and licensing authorities. The purpose of the NR3 initiative is therefore to provide a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire licence revoked or an application for one refused.

The development of NR3 has been welcomed by all sections of the taxi trade, safety groups and charities, the Department for Transport and by licensing authorities.

From 1 March 2019, the Council will begin using the NR3. This means that from that point:

- Applications for new hackney carriage/ private hire licences and for renewals will be checked on the NR3
- Where an existing licence is revoked or an application for renewal or a new licence is refused, this will be recorded on NR3.

This Council, and other licensing authorities, will also be adding historic information on refusals and revocations of licences to the register. Historic data will not go back beyond the retention period of 25 years.

Any relevant data entered onto NR3 which relates to existing licence-holders may be considered as part of future renewal processes.

The information recorded on NR3 will be limited to your:

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

Information will be retained on NR3 for 25 years.

Where an applicant's details are flagged on NR3 during a search, this will be followed up separately between the authorities. Any such request in relation to your record will be responded to in accordance with the authority's published policy at the Council.

Licensing authorities will still be required to consider each application on its own merits, but the introduction of NR3 will help ensure that they are able to do so on the basis of all the information that is relevant to an application.

All data processing and sharing undertaken by this authority on the NR3, and with individual authorities in regard to entries on the NR3 will be undertaken in accordance with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR). The legal basis for processing this information is that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at Three Rivers District Council.

## **17. Private Hire Operator licences**

### **17.1 Fit and proper person**

Applicants for private hire operator licences are required to pass the private hire knowledge test.

With regard to criminal convictions/cautions, an operator is not an exempted profession under the Rehabilitation of Offenders Act 1974; therefore only unspent convictions will be taken into consideration when determining whether an applicant is a fit and proper person. In assessing an application for an operator's licence, the policy on criminal convictions and behaviour in sections 19 and 20 of this policy will be referred to.

The decision whether to grant or refuse a licence will be based on whether the convictions/cautions were declared, the type of offences and the total number of convictions/cautions recorded against each individual applicant.

The overriding consideration in reaching a decision will be based on whether the operator (the individuals listed as licensees on the application) can fulfil their roles and run the company without posing any likely threat to the general safety of the public.

If a situation arises where an operator licence application from a registered company is likely to be refused solely on the declared convictions of one individual within the organisation, the application may still proceed if the applicant decides to withdraw the name of that individual from the licence application.

Accordingly, when submitting an application to be a registered private hire operator, you must declare any unspent cautions or convictions you may have, whether they are foreign or domestic. Failure to declare convictions and/or cautions or giving false information to obtain a licence is an offence and will be treated very seriously. Likewise giving false information or withholding information to keep a licence will be treated very seriously. If you have not been a resident in the UK for a period of five years, you will need to obtain

a dated 'certificate of good conduct' or similar document from your relevant embassy.

Applicants will need to obtain a basic disclosure certificate which will reveal any unspent convictions or cautions. The Disclosure certificate, issued within the last 3 months, must be submitted with the application in order to validate it.

Where an existing operator has been charged or convicted of an offence, or other relevant information comes to the attention of the Council which brings into question whether the driver is still a fit and proper person to hold an operator's licence, action may be taken, as outlined in this policy

The existence of a criminal record or disclosure of other information will not necessarily stop a person from gaining or keeping a licence. The decision will be based on the policy on criminal convictions and behaviour at sections 21 and 22 of this policy, and in accordance with this section.

We will not accept disclosures obtained on behalf of another authority unless the applicant has signed up to the DBS Update Service and that the original DBS is for the appropriate workforce as defined by DBS guidelines.

### **17.2 Previous applications**

If anyone named on an application has previously been refused an operator's licence or held an operator's licence which was suspended or revoked elsewhere, they will be expected to provide details of the refusal, suspension or revocation on their application.

### **17.3 Planning permission**

All premises to be used as a private hire operator base or operations running from a residential address will require the appropriate planning consent or permitted development rights for that use class. All applicants must provide a certificate of lawfulness or planning consent in relation to the premises they intend to use.

### **17.4 Use of mobile applications**

The use of mobile applications (apps) is becoming increasingly common for a wide range of uses, including many taxi companies and private hire operators. The Council supports the use of such innovation, which has many potential public safety benefits.

Apps must be approved by the Council prior to their use, and must not have a negative impact on public safety.

### **17.5 Training**

All operators will be required to attend all mandatory training sessions organised by the Council. Failure to attend mandatory training sessions will constitute a breach of the Council's hackney carriage and private hire policy. At the first instance, contravention points will be issued; any subsequent failure to attend will result in further action being taken against the operator's licence.

## **18 Hackney Carriage and Private Hire Vehicle Licences**

### **18.1 Type of vehicle**

The Transport Act 1985 allows licensing authorities to regulate vehicle standards. Circular 8/86 accompanying the Transport Act, states that authorities will wish to ensure that vehicles are mechanically sound, roadworthy and safe. The following will be applied:

- All newly licensed hackney carriage and private hire vehicles must, as a minimum, be categorised as M1 and meet Euro 5 standards for emissions.
- Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M classification or the enhanced single vehicle certificate together with the original M type approval.

### **18.2 Vehicle standards**

All vehicles must have full vehicle type approval. The authorised testing stations listed are all permitted to undertake vehicle checks on behalf of the Council. In addition, an officer of the Council may require an additional test to be undertaken or the applicant to be directed to a specific testing garage in all cases at the expense of the applicant/licence-holder. The officer also retains the option to check any vehicle for standard of condition of appearance.

Only vehicles that comply with the requirements and conditions relating to private hire vehicles/hackney carriage vehicles or non-standard private hire vehicles will be licensed. The vehicle must remain in the

condition as determined by those conditions throughout the licensed period. The Council shall refer to its enforcement policy when dealing with licensees who fail to comply with these conditions or relevant legislation.

### **18.3 Vehicle age policy**

At the time a vehicle is first licensed (including changes of vehicles if not to a currently licensed vehicle), the vehicle must normally be less than 7 years of age. The vehicle's age will be determined by the vehicle registration document. The age limit may be exceeded if the vehicle complies with all applicable standards. Once a vehicle reaches 10 years of age, the licence will only be renewed if the vehicle passes 3 compliance tests each year, at approximately 4-monthly intervals.

### **18.4. Tyres**

The vehicle shall be equipped with a minimum of 4 road wheels and 1 full-sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer and not more than 10 years old.

Tyres must not be purchased as part-worn or used.

The vehicle must be fitted with either all radial or all cross-ply tyres and the spare tyre must be the same size as those fitted to the vehicle, except for a vehicle with a manufacturer's 'space saving' wheel.

Vehicles with a 'space-saving' wheel are to comply with the manufacturer's specifications as to use. When so used, the vehicle must **not** be used for plying for hire, or private hire. Any change in the type or size of the tyres fitted to the vehicle must be reported to the licensing officer at once.

### **18.5 Accessibility**

The Council recognises the need to promote the use of wheelchair accessible vehicles to ensure that all members of the community are able to benefit from the service that they provide.

\*Requirements relating only to hackney carriage vehicles\*. Whilst all newly issued hackney plates must be wheelchair-accessible, private hire vehicle applications for these types of vehicle are also welcomed by the Council.

Where a vehicle is wheelchair-accessible:

- a) All lifts / ramps must be maintained and in fully working order so as to comply with the Lifting Operations and Lifting Equipment Regulations 1998
- b) All equipment used to strap /or tie a wheelchair in place should be fully maintained and in full working order
- c) All tie / strap locations shall be kept clear of any obstruction.

### **18.6 Reducing air pollution**

The Council is committed to encouraging applications for more fuel-efficient vehicles. Vehicle pollution has a significant impact on air quality in the district, and there is widespread agreement that more must be done to reduce the number of higher-polluting vehicles.

Drivers are also advised that vehicles should not be left to idle as this causes unnecessary pollution and increases their fuel costs.

From 1 May 2019 The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 will require the Council to provide details to the secretary of state of all hackney carriage and private hire vehicles. Therefore the following details will be provided as requested;

- (a) the date from which the licence has effect;
- (c) the date on which the licence is due to expire;
- (d) a statement as to whether the vehicle is a taxi or a private hire vehicle
- (e) such other information the licensing authority holds in relation to the vehicle that may be relevant for the purposes of ensuring the accurate identification of vehicles, having had regard to any guidance issued by the Secretary of State.<sup>3</sup>

### **18.7 Advertising**

No signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from any licensed vehicle except as required by any statutory provision or with prior written approval of the Council. In relation to other advertising materials, any false,

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<sup>3</sup> <http://www.legislation.gov.uk/ukdsi/2019/9780111177969>

misleading or inaccurate material contrary to this policy and/or its conditions will result in the taking of enforcement action.

All advertising material must be approved in writing by the Council prior to use or display and an administration fee of £25 will be payable per batch of advertising.

Not more than two external advertisements (excluding the roof signs) may be carried on any vehicle, confined to the side panels and must comply with the Advertising Standards Authority code of advertising.

Any advertising material must not use the Council's logo.

### **18.8 Taximeter calibration**

All hackney carriage vehicles must be fitted with a taximeter. Private hire vehicles that are fitted with a taximeter must adhere to the following conditions.

The taximeter shall be calibrated following a change to the table of fares or when requested by the Council. A certificate of calibration provided by the taximeter installer must be produced on first issue, transfer or when the seal is damaged or missing.

The operation of the taximeter must be in accordance with the provisions of the Byelaws in force at the time within the Three Rivers District with respect to hackney carriage vehicles.

### **18.9 Change of Vehicle**

Change of vehicle applications must be completed and submitted by the licensed driver and not by the hire/lease company supplying the temporary vehicle.

### **18.10 Roof Boxes and Roof Racks**

The use of roof boxes and roof racks is strictly prohibited unless there is roof space or storage already integrated into the vehicle.

## **19. Guidelines for CCTV systems in hackney carriage & private hire vehicles**

### **19.1 Introduction**

These guidelines set out to ensure that CCTV systems installed in hackney carriages and private hire vehicles licensed by the Council are properly managed whilst being used to prevent and detect crime; and enhance the health, safety and security of both drivers and passengers.

The decision whether to install CCTV in a licensed vehicle is at the discretion of the vehicle licence-holder and vehicle owner (if these are different), all costs would need to be met by these individuals as the Council will not provide funding or assist in finding funding.

Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in these guidelines.

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

### **19.2 The purpose of CCTV**

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the driver and passengers by:

- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- Assisting the Police in investigating incidents of crime
- Assisting insurance companies in investigating motor vehicle accidents

### **19.3 General requirements**

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements and approved by the Council can be installed into licensed vehicles.

CCTV systems installed will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.



The installation and operation of CCTV must comply with the requirements of the Information Commissioner's CCTV Code of Practice.

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations 1986. CCTV installed must also meet any other relevant legislation, including any new legislation which may be introduced following the installation of such systems.

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.

#### **19.4 Automotive Electromagnetic Compatibility Requirements (EMC)**

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

Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.

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.

#### **19.5 Camera design requirements**

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.

#### **19.6 Installation**

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

It is contrary to the Motor Vehicle (Construction and Use) Regulations 1986 for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

Viewing screens within the vehicle for the purposes of viewing captured images are not permitted.

All wiring must be fused as set out in the manufacturer's technical specification and be appropriately routed. If more than one camera is being installed their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the Taxi/ PHV driver and passengers.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

### **19.7 Camera Activation Methods**

Activation of the equipment may be via a number and combination of options, including:

- door switches
- time delay
- driver's panic button
- or, in the case of an incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces).

The CCTV system may be configured to record images for a short period of time before the trigger event, during the related incident and a short period following the related incident.

A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

### **19.8 Audio Recording**

CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be disabled.

There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence.

Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

### **19.9 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.

The Information Commissioner's Office has published guidance on how to keep personal data (including personal data contained in CCTV images) secure, on their website.

### **19.10 Retention of CCTV images**

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

- within its own secure, encrypted 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 (e.g. 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 28 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 28 days from the date of capture.

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

### **19.11 Notification to the Information Commissioner's Office**

The Information Commissioner's Office (ICO) is the official regulatory body responsible for enforcing compliance with privacy and data protection legislation.

The law defines a “data controller” as the individual or organisation which has ultimate responsibility for how personal data is collected and processed. For the purpose of the installation and operation of in-vehicle CCTV, the “data controller” is the company, organisation or individual which has decided to have a CCTV system installed and operating within the vehicle. The data controller is ultimately responsible for how the images are stored and used and determines in what circumstances the images should be disclosed.

‘Notification’ is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any company, organisation or individual vehicle owner who has a CCTV system installed within a licensed vehicle must register with the ICO and obtain documented evidence of that registration. This documentary evidence may have to be presented to the Council at any time during the term of the vehicle licence.

The notification requires renewal on an annual basis, and payment of the appropriate fee specified on the ICO’s website.

### **19.12 Using a third party service provider (data processor)**

Where a service provider is used for the remote storage and/or management of CCTV data they will act as a ‘data processor’.

A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Documentary evidence of the contractual arrangements may be required to be presented to a Council official at any time during the term of the vehicle licence.

### **19.13 Using recorded CCTV images**

The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation.

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

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

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

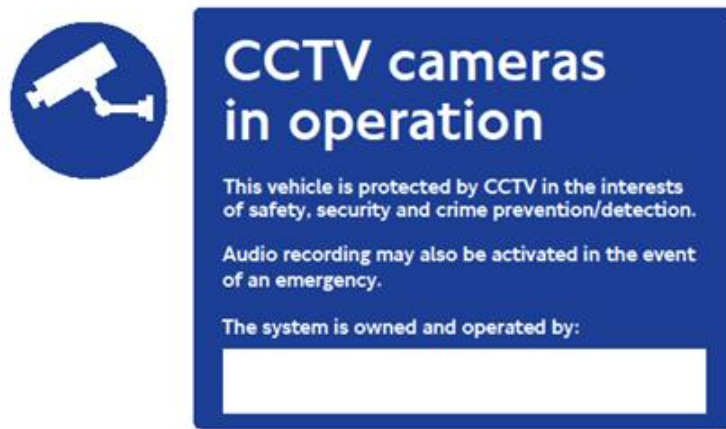
Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a ‘Subject Access request’. Such requests must only be accepted where they are in writing and include sufficient proof of identity (which 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). More guidance on handling subject access requests can be found in the ICO’s Subject Access Request Code of Practice, which is available on their website.

#### 19.14 Signage

All vehicles fitted with a CCTV system must display the sign shown below in a prominent position. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt necessary or appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.



The name and contact details of the Data Controller must be provided in the blank space included on the sign template. The contact details can be in the form of either a telephone number, email address or website URL.

#### 19.15 Signage for external-facing CCTV systems

Where a CCTV system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured as soon as practicable after the incident.

They should also be informed of the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

#### 19.16 Annual Certification from installer

Any CCTV system should be checked annually by the installer and evidence of this must be provided to the Council. Where an installation company ceases to exist, a similar installation company should be used.

#### 19.17 CCTV Checklist

To assist individual drivers, owners and operators who are considering the installation of a CCTV system, the Council has produced the summary checklist below to help ensure that all of the relevant approval requirements/standards are complied with.

Please tick

- Notification submitted to the Information Commissioner's Office (ICO). [www.ico.org.uk](http://www.ico.org.uk)
- Has the ICO provided you with documentation to evidence your notification as the "data controller" associated with your system?
- Do you have documentary evidence regarding contractual arrangements with any data processor or service provider associated with the operation or management of the CCTV system? (where applicable)
- Have you displayed the required signage, including the relevant contact details?
- Does the CCTV system meet the installation standards as set out in this policy?

#### 20. Communication, Audio and Visual Devices

Mobile devices can only be used if they are held in a cradle and are used completely hands-free.

All Communications Devices must be securely fitted within the vehicle and appropriately located so as to not interfere with the operation of the vehicle.

The use of headphones is not permitted to be used in a licensed vehicle.

In order to protect passenger confidentiality, a licensed driver must neither retain nor publish any image, sound or information of any passenger(s) captured on a hand-held recording device or any other form of recording device, except where this is to an authorised officer of the Council or Police.

## **21. Policy on Convictions and Conduct - New Applicants**

### **21.1 Each case is to be taken on its own merit.**

Some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally, the history of offending (including multiple offences/combinations of offences /types of offences) and/or behaviour may warrant a longer period free from convictions.

Accordingly, whilst it is possible that an applicant may have a number of convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the applicant's suitability to be licensed.

A series of civil or criminal offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Simply remaining free of convictions will not necessarily be sufficient to show that a person is fit and proper where other circumstances/evidence bring this into question. Furthermore it should always be remembered that the periods free of conviction in this section are suggested minimums.

Whilst the time period detailed in this section provides guidance to potential applicants as to how long they should wait before applying for a licence following described offences/convictions, any application made following these guidelines is still subject to the same considerations as to whether the applicant is fit and proper, and therefore simply following the guided timescales in no way guarantees the granting of a licence.

Notwithstanding and without prejudice to any other provision within this document, ordinarily the Council would as a minimum expect the standard rehabilitation periods identified in the Rehabilitation of Offenders Act 1974 to have expired.

Criminal convictions or civil penalties will be considered by officers or, in cases of doubt, by the Licensing sub-committee.

An application from any person awaiting trial for an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will not normally be considered until the outcome of the trial.

In order for the Council to fully consider the case on its merits, the applicant should provide a written statement of the offences (including any that they are awaiting trial for), with evidence, covering the nine points in the paragraph below, which would be available for examination by the Council.

Where the Council becomes aware of issues including previous criminal history/convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage/private hire driver and/or significant comments on any DBS check, consideration will be given to each applicant's suitability for licensing against the following criteria (in no particular order):

- nature of the offence/conduct/charge etc.
- circumstances in which the offence/conduct/charge etc. was committed
- circumstances of the individual concerned
- subsequent periods of good behaviour
- overall conviction/behaviour history
- sentence imposed by the Court
- seriousness of the offence/conduct/charge etc.
- any other character check considered reasonable (e.g. personal references)
- taking all the above issues into account, together with any other relevant issues, whether the protection of the public may be at risk.

These guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as

to whether an individual is a fit and proper person to hold a hackney carriage or a private hire driver's licence.

### **21.2 Minor motoring offences**

Convictions for minor traffic offences such as speed limit offences, or non-endorsable traffic offences such as obstruction or waiting in a restricted street should not prevent a person from applying to be a hackney carriage or private hire driver.

If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire licence may be granted 12 months after its restoration but a warning should be issued as to future conduct. New applicants with 6 or more points on their DVLA driver's licence will be refused until endorsement(s) expire and the number of penalty points drops below this threshold.

Further disqualification from driving as a result of penalty points being accrued may result in refusal to issue a licence.

### **21.3 Traffic offences involving the loss of life**

A very serious view will be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life or serious injury. A licence will not be granted if an applicant has a conviction for any of the following:-

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving for any other reason
- Or any similar offences (including aiding abetting, attempting or conspiring to commit) offences which replace the above.

### **21.4 Major traffic offences not involving the loss of life**

A very serious view should also be taken of any applicant who has been convicted of a major traffic offence even if it has not involved the loss of life, as it raises questions as to the applicant's ability to protect the public.

Before an application is considered, an applicant should be free of conviction for 10 years and since the completion of the sentence, whichever is longer, for offences such as:

- Dangerous driving
- Reckless driving
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit).

### **21.5 Other serious traffic offences**

Other serious traffic offences include:

- Accident offences
- Driving without due care and attention
- Driving whilst using a mobile phone or mobile device
- Careless driving
- Construction and use offences (This is in relation to tinted windows)
- Licence offences
- Traffic direction and sign offences
- Driving whilst disqualified
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Insurance offences and alcohol/drug offences are dealt with under their own separate subsections below.

Theft or unauthorised taking of a vehicle are dealt with under the 'dishonesty' subsection below.

Any conviction for a serious traffic offence under 'other serious traffic offences' in this policy should normally merit refusal to issue a licence and no further application should be considered until a period of 7 years either free of conviction or since completion of the sentence, whichever is longer, has elapsed.

More than one conviction for a traffic offence within two years should merit refusal to issue a licence and no further application should be considered until a period of 5 years either free of convictions or since completion of the sentence, whichever is longer, has elapsed.

### **21.7 Drink driving/driving under the influence of drugs (including medication) or legal highs**

A serious view is taken of driving or being in charge of a vehicle whilst under the influence of drink or drugs or legal highs, as licensees are professional vocational drivers and drink/drug driving convictions raise serious concerns for the safety of the public. An isolated incident of drink driving or driving under the influence of legal drugs should not necessarily debar an application but strict warnings will be given as to future behaviour. However an exception to this is the use of novel psychoactive substances (NPS – commonly referred to as legal highs) which will be treated in the same regards as illegal drugs below.

At least 5 years should elapse, after the restoration of the EU (UK) full driving licence, before an applicant may be considered for a private hire or hackney carriage driver's licence.

More than one conviction for these offences or any conviction for driving under the influence of illegal drugs should raise grave doubts as to the applicant's fitness to drive the public and therefore hold a licence.

If there is reason to suspect persistent alcohol and/or drugs use, misuse or dependency (e.g. two or more offences relating to alcohol or drugs, with or without a vehicle) a specialist medical examination and report should be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol/drug misuse and dependency. If the applicant is found to be (or to previously have been) alcohol- or drug-dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

### **21.8 Drunkenness without a motor vehicle**

An isolated conviction for drunkenness need not debar a driver from obtaining a licence but a number of convictions could indicate a medical problem necessitating a medical examination. In some cases a warning would be sufficient. If there is reason to suspect persistent alcohol use, misuse or dependency (e.g. two or more offences for drunkenness with or without a motor vehicle) a specialist medical examination and report may be required to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol misuse and dependency.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

### **21.9 Illegal drugs without a motor vehicle**

A serious view is taken of any illegal drugs-related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

An applicant would normally be expected to be free of convictions relating to the possession of illegal drugs for 5 years requiring at least 5 years to have passed since the completion of the sentence.

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of illegal drugs and has not been free of conviction for 7 years with at least 7 years to have passed since the completion of the sentence.

An application will normally be refused where the applicant has a conviction for an offence related to the supply, importing or production of illegal drugs and has not been free of conviction for 10 years with at least 10 years to have passed since the completion of the sentence.

If there is reason to suspect persistent drugs use, misuse or dependency (e.g. two or more convictions relating to any drugs, with or without a vehicle) a specialist medical examination and report will normally be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency. If the applicant is found to be (or to previously have been) drug dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

### **21.10 Sex and indecency offences**

As hackney carriage and private hire drivers often carry unaccompanied and vulnerable passengers. Applicants who have been convicted of sexual or indecency offences (or where there is other behaviour and/or evidence to suggest a disposition to commit such offences) must be closely scrutinised. Applicants with convictions for sexual offences will usually be refused.

In particular, an application will normally be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Indecent exposure
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Soliciting (e.g. kerb crawling)
- Importuning
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit).

If a licence is granted a strict warning as to future conduct should be issued.

A person on the sex offenders register would not be considered a fit and proper person to hold a licence.

### **21.11 Violence**

As hackney carriage and private hire drivers maintain close contact with the public, a firm line should be taken with drivers with offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved loss of life or serious injury.

At least 5 years free of conviction with at least 5 years to have passed since the completion of the sentence before an application is considered from anyone whose offending history and/or other behaviour/evidence suggests an aggressive or violent disposition, and even then a strict warning should be administered as to future conduct.

However given the range of offences that involve violence, consideration must be given to the nature of the offences. In particular:

- (i) An application will normally be refused where the applicant has a conviction for an offence such as:
  - Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Terrorism offences
  - Kidnapping
  - Threats to kill
  - Wounding with intent to cause grievous bodily harm
  - Grievous bodily harm
  - Robbery
  - Burglary
  - Possession of a weapon
  - Any 'hate' crime or offence ordinarily falling within paragraph (iii) below aggravated by a 'hate' crime
  - Similar or replacement offences to those listed above (including attempted or conspiracy to commit).
  
- (ii) Before an application is granted, an applicant should be free of conviction for at least 7 years with at least 7 years to have passed since the completion of the sentence, whichever is longer, for offences including:
  - Assault occasioning Actual Bodily Harm
  - Assault with intent to resist arrest
  - Assault on Police
  - Domestic Violence related offences (unless these are covered by (i) above)
  - Harassment



- Similar or replacement offences to those listed above (including attempted or conspiracy to commit).
- (iii) Before an application is granted, an applicant should be free of conviction for at least 5 years with at least 5 years to have passed since the completion of the sentence, for offences including:
- Arson
  - Common assault
  - Criminal Damage
  - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

An application will normally be refused if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

### **21.12 Dishonesty**

Taxi and PHV drivers are expected to be persons of trust. They deal with cash transactions and valuable property may be left in their vehicle in error.

Drivers are required to deposit such property with the police within 48 hours.

The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is relatively easy for a dishonest driver to defraud the public by demanding more than their legal fare etc.

This for example would include misuse of MPV additional occupancy rates. Licence-holders also have access to the names and addresses of their customers and their daily movements. Overseas visitors may not be familiar with the currency or costs of journeys and may be vulnerable to an unscrupulous driver. Accordingly a serious view should be taken of any conviction involving dishonesty.

Nationally it has been known for drivers to pass information on vulnerable persons to others for later abuse or to abuse vulnerable persons, including taking money from such persons.

Offences involving dishonesty for the purposes of this policy include:

- theft
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- driving whilst disqualified
- any similar offences (including attempted or conspiracy to commit).

An application will normally be refused if an applicant has been convicted of burglary or more than one conviction for other dishonesty offences in the last 10 years.

### **21.13 Insurance offences**

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident would normally prevent a licence being granted until a period of five years from the date of the offence has expired. More than one conviction for these offences within the past ten years would normally prevent a licence from being granted or renewed.

### **21.14 Licensing offences**

This subsection applies to licensing offences not covered elsewhere within this convictions and behaviour section of the policy such as plying for hire, using an unlicensed vehicle/driver.

At least 12 months free of conviction should elapse before an application will be considered. Unless there is significant mitigation, an applicant will normally be refused until a period of at least five years free of conviction has expired where the applicant has committed more than one licensing offence within the last five years.

An applicant with an isolated conviction that is more than one year old may be licensed subject to a written warning.

Individuals previously licensed by the Council and revoked for offences connected to their licence will not normally be granted a further licence in the future. Cases such as this will be considered by the Lead Licensing Officer under their delegated authority.

### **21.15 Cautions**

An admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the Court.

### **21.16 Non-conviction information**

If an applicant has, on more than one occasion, been arrested or charged but not convicted for an offence, or is subject to an antisocial behaviour injunction/order or similar order, which suggests he/she may not be a fit and proper person, or if there is other evidence to suggest the applicant may not be a fit and proper person, consideration should be given to refusing the application.

Failing to declare convictions on the application form should normally result in refusal and at least twelve months elapsing from the date of receipt of the application form before an application will be considered and a new application will be required.

As with the rest of this part of the policy, in assessing the action to take, the safety and security of the travelling public must be the paramount concern.

### **21.17 Suspension/refusal/revocation by another Council**

An applicant who has been suspended/refused/revoked by another Council may not be considered "fit and proper" for a period of at least 3 years from the date of the suspension/refusal/revocation. This period may be extended depending on the circumstances of the revocation.

The Council shall also have a right to make enquiries of that other authority.

## **22. Policy on Convictions and Conduct for existing licensees**

### **22.2 Time of action**

Existing holders of driver's licences are required to notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case).

In addition, licence-holders must inform the Council in writing or by email within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence-holder and will be taken into account as part of any subsequent renewal applications.

### **22.3 Policy details**

Each case is to be taken on its own merit.

Any person awaiting trial for or suspected of committing an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will normally be revoked pending the outcome of an investigation or trial.

Although each case will be assessed on its own merits in line with this policy, licence-holders should expect the revocation of their licence for these types of offences to be immediate in nature. The initial consideration regarding revocation will be undertaken by officers. However, if a driver does not agree with the officer's decision to revoke his/her licence he/she may apply to the local Magistrates' Court to appeal this decision within 21 days of the revocation being received by the driver.

When considering whether a licence should be suspended or revoked, some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally the history of offending (including multiple offences/combinations of offences/types of offences) and/or behaviour may warrant a longer period free from convictions. Accordingly the overall offending history must be considered when assessing the applicant's suitability to be licensed.

Therefore any licence-holder awaiting trial for, or suspected of, committing an offence or demonstrating behaviour which, taken together with the licence-holder's history of offending (including multiple offences

/combinations of offences /types of offences) and behaviour (including before the licence was granted and during the course of the licence), lead the Council to believe that the licence-holder is not a fit and proper person to hold a licence, may have their licence suspended or revoked.

Whilst it is possible that a licence-holder may have a number of previous convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the licence-holder's suitability to continue to be licensed. A series of offences/behaviour over a period of time is more likely to give cause for concern than an isolated minor conviction/demonstration of unacceptable behaviour. Obviously some discretion can be afforded if an offence is isolated and there are mitigating circumstances but the overriding consideration is the protection of the public.

In order for the Council to fully consider a case on its merits, the licence-holder should provide a written statement of the offences, with evidence, covering the nine points in the paragraph below, which would be available for examination by the Council.

Where the Council becomes aware of issues including previous criminal history/convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage/PHV driver and/or significant comments on any DBS check, consideration will be given to each licence-holder's suitability for licensing against the following criteria (in no particular order):

- nature of the offence/conduct/charge etc.
- circumstances in which the offence/conduct/charge etc. was committed
- timely notification to the Council of offence/conduct/charge
- circumstances of the individual concerned
- subsequent periods of good behaviour
- overall conviction/behaviour history
- sentence imposed by the court
- seriousness of the offence/conduct/charge etc.
- any other character check considered reasonable (e.g. personal references)
- taking all the above issues into account, together with any other relevant issues, whether the protection of the public may be at risk.

These guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as to whether an individual is a fit and proper person to continue to hold a hackney carriage or a private hire driver's licence.

## **23 Expedition policy for revoked licences where reinstating a licensee is considered appropriate**

### **23.1 General**

The High court ruling of **R (application of Singh) v Cardiff City Council [2012] EWCH 1852 (Admin)** has established that it is unlawful to suspend and then revoke a driver for a single offence. Therefore it is necessary to revoke a driver immediately if the Council becomes aware of information which gives serious concerns about a driver.

This policy is to assist in the timely replacement of a driver's licence, when it has been revoked but following investigation it has established that the Council does not have any remaining concerns with regards to the fit and proper nature of the person.

A relevant officer of the Council will decide if an applicant falls in to this part of the policy and the applicant will be advised if this is the case.

The investigation of the Council with regards to establishing whether an individual is fit and proper will take into account any available information but is not reliant on other authorities' investigations into any connected allegations, although information will always be requested from other agencies when they are known to be involved.

As the Council is required to consider each case on balance of probability, a police investigation which results in an individual not being convicted may not in itself be considered to be sufficient for the Council to issue a new licence to the individual as Police investigations are determined at a higher level of proof i.e. beyond reasonable doubt. In addition to this, a Police investigation may uncover breaches of this policy committed by a driver and the Council would need to take these into account.

### **23.2 Process**

If the Council makes a decision to issue a new licence to a driver whose licence was previously revoked, a new application will be required from the individual but some existing documents which are 'in date' in terms of the hackney carriage and private hire policy will normally be transferred to the new application.

Depending on the circumstances surrounding the revocation, some updated documents may be required and these will be determined on a case by case basis. For example, if a driver's health leads to their licence being revoked and their health subsequently improves so that they may be considered fit to be a licensed driver, a new medical would be required. The same would be the case for an individual who is subject to a Police investigation, where their criminal history would be checked using the DBS update service; if the applicant is no longer signed up to this service, a new DBS ([GBG](#)) will be required as part of their application (and they will be required to re-register for the update service).

When a decision is made to issue a new licence, this will usually be processed within 5 working days of all required documentation being received.

### **23.3 Fees**

The new licence will usually be issued for the period that the revoked licence had left to run and no further charge will be levied, with the exception of any connected costs such as for new documentation which will remain the applicant's responsibility.

**24. TABLE OF OFFENCES SUMMARY (PLEASE READ SPECIFIC PARAGRAPH FOR MORE INFORMATION.**

Offence category	Offences	Additional period if relevant	Comment
Serious violence	Aggravated burglary	Applications will not be granted for convictions in these categories	
	Any homicide offence		
	Grievous bodily harm		
	Malicious wounding		
	Rape		
	Riot		
	Sexual assault		
	Terrorism		
	Violent disorder		
Violence	Actual bodily harm	10 years	Applications will not be granted if an applicant has two or more convictions involving violence or serious violence
	Affray		
	Arson		
	Assault on a police officer or other public servant		
	Possession of a firearm		
	Resisting arrest		
	Robbery		
	Slavery, abduction, false imprisonment etc		
	Threats to kill		
	Any offence that can be categorised as domestic violence	7 years	Applicants will be assessed according to the actual offence
Public Order Act offences (eg causing harassment, alarm or distress)	5 years	Unless Classed as a 'hate crime'	
Serious criminal offences	Common assault	5 years	Applications will not be granted if an applicant has two or more convictions involving violence or serious violence
	Criminal damage		
	Obstruction of police or other statutory officers		
	Theft by an employee		
	Possession of a weapon	Applications will not be granted for convictions in this category	

Sexual offences	Assault by penetration	Applications will not be granted for convictions in this category	Applications will not be granted for anyone on the Sexual Offenders Register or where the offence involved Children, Young Adults or Vulnerable Adults
	Indecent assault	Applications will not be granted for convictions in this category	
	Child Sexual Exploitation		
	Indecent assault		
	Trafficking including preparatory offences as defined within the Sexual Offences Act 2003		
	Making or distributing obscene material		
Possession of indecent photographs	5 years		
Dishonesty	Theft	5 years	Applications will not be granted if an applicant has two or more convictions involving dishonesty
	Burglary	5 years	Applications will not be granted if an applicant has two or more convictions involving dishonesty
	Fraud (including benefit fraud)		
	Handling or receiving stolen goods		
	Forgery		
	Obtaining money etc by deception		
	Taking a vehicle without consent		
	Evasion of taxes or duties		
	Deception		
	Attempting to pervert the course of justice or perjury		

Substance abuse offences	Driving under the influence of drink or drugs (including prescription drugs)	5 years	Applications will not be granted if an applicant has two or more convictions involving driving under the influence
Substance abuse offences Serious driving offences	Driving under the influence of drink or drugs (including prescription drugs) Possession of drugs with intent to supply	Applications will not be granted for convictions in this category	Applications will not be granted if an applicant has two or more convictions involving driving under the influence
	Possession of drugs	8 years	
	Causing death by dangerous driving	Applications will not be granted for convictions in these categories	
	Causing death by dangerous driving whilst under the influence of alcohol or drugs		
	Causing death by careless driving		
	Dangerous driving	10 years	Applications will not be granted if an applicant has two or more convictions in this category
	Driving without due care and attention	5 years	Applications will not be granted if an applicant has two or more convictions in this category
	Inconsiderate driving	5 years	
	Driving when disqualified	5 years	
	Failing to identify driver of vehicle when required	5 years	

Other driving offences	Construction and Use Regulation Offences	Will not normally merit a refusal except for: existing applicants with 9 or more points endorsed on their DVLA licence new applicants with 6 or more points endorsed on their DVLA licence	
	Traffic directions and signs		
	Pedestrian Crossing offences		
	Speed limits		
	Motorway Offences		
	Insurance offences	5 years	Applications will not be granted if more than conviction
	Driving or having control of a vehicle without a valid MOT certificate	5 years	
	Driving or being in control of a vehicle without adequate insurance	5 years	Applications will not be granted if more than conviction
	Vehicle being used in anti-social manner	1 year	
	Vehicle being used in connection with commission of any criminal offence		
	Driving otherwise than in accordance with a licence	5 years	
	Failing to stop after or to report an accident		
Licensing offences	Conviction under byelaws for hackney carriages	5 years	
	Plying for hire		
	Failing to carry an assistance dog	1 year	
	Charging more than the metered fare		
	Refusing to convey a passenger within a controlled district		
	Offences under any other licensing regime		
	Failing to notify licensing authority of change of vehicle address etc		
	Failing to notify licensing authority of accident to licensed vehicle		
	Waiting on a hackney carriage rank as a private hire vehicle		
	Unlawfully prolonging journey		
	Obstruction of authorised officers or constables		
	Failing to wear identification badge	3 months	May be up to 12 months for persistent failures to comply
Failing to display vehicle licence plate on vehicle			



	Failing to comply with vehicle licence conditions		
	Deliberately or recklessly providing false information		

## **25. Licensing enforcement**

### **25.1 General**

The Council issues hackney carriage and private hire driver and vehicle licences to ensure passenger safety.

The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement schemes need to be proportionate and transparent.

Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There needs to be a grade of sanctions from informal warnings through to suspension and revocation of licence. It is clear that the majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officer.

### **25.2 Enforcement options**

There are a number of options that shall be considered following the identification of an activity for which the necessary licence, notice or registration has not been applied for or the Licensee has not complied with the conditions of a licence, notice or consent issued by the Council or byelaw made by the Council, or this policy or other legislation has been contravened. One or more of the following may be deemed appropriate:

- Verbal advice
- Inspection
- Issue of points via monitoring of contraventions system
- Suspension
- Revocation
- Refusal of future licence application or restriction of such licence by imposition of conditions
- Formal Caution
- Prosecution.

There is a long standing relationship between the licensing team and the trade. This is based on the application of consistent standards for all parties.

### **25.3 Enforcement Policy**

The authority will have regard to the [Police and Criminal Evidence Act Codes of Practice](#)

### **25.4 Verbal advice**

To be followed where the vehicle or driver standards are found to be reasonably satisfactory but wanting in some minor respect.

### **25.5 Inspection**

Inspections will normally be of vehicles or documents/records. In most cases, appointments will be made with adequate notice and at reasonable hours unless this would defeat the object of the inspection. Licensees will comply with officer requests to view documents or records and must attend appointments for inspections.

### **25.6 Penalty points scheme**

Any licensed person who has in the opinion of the licensing officer committed an infringement of the law or licence conditions will be served with a notice as follows:-

Contraventions	Points	x	Contraventions	Points	x
No first aid kit	3		No smoke free signage	2	
No fire extinguisher	3		Vehicle cleanliness	2	
No emergency bulb kit	3		Private hire parked on taxi rank	4	
Failure to display badge	3		Unattended vehicle on taxi rank	4	
Failure to display plate/internal plate/door sticker(s) (including magnet(s))	3		Obstructing the Licensing Team/Enforcement officer.	6	
Failure to notify change of details /convictions/FPN/fines and fine alternatives such as driving courses undertaken as a licence requirement – vehicle/driver/operator	3		Failure to produce documents on demand to the licensing enforcement officer	3	
Failure to report an accident to the licensing team	3		Carrying too many passengers	6	
Failure to report a complaint - driver/operator	3		Refusal to carry guide dogs, hearing dogs, or service dogs (unless exempt)	12	
Horn misuse	2		Smoking/vaping in vehicle	12	
Private hire plying for hire	6		Overcharging	6	
Defective tyres, including part worn and 10yrs+	4 (per tyre)		Use of handheld phone or radio whilst driving	12	
Using unapproved advertising on/in vehicle	2		Breach of Public Spaces Protection Order	4	
Failure to dress appropriately as defined in TRDC policy	2		Other licence requirements/breaches of legislation:-	Dependent on case	

Plate No: .....Driver's name: .....Driver's badge No:.....

Vehicle registration: .....has been inspected as indicated above. The contravention(s) above mean(s) that you have acquired ..... points.

The vehicle must not be used until the contravention(s) above have been rectified and the vehicle is presented to the Council Offices by ...../...../..... \*

Failure to comply with this notice could lead to the revocation or suspension of your licences and does not rule out further proceedings when this matter is considered along with driver/vehicle history.\*

**Date:** ..... **Signed:** .....

\*Delete where appropriate

**25.7** The Council operates a system whereby infringements of the law or licence conditions by a licence-holder can be recorded and given a value dependent upon the nature of the infringement. This scheme reduces possible subjectivity from the enforcement process. Any licensee who, in the opinion of an authorised officer, has committed an infringement will be issued with a contraventions notice form.

**25.8** This is a points-based monitoring system whereby licensees receive a certain number of points against their hackney carriage or private hire licence for specific offences, similar to the way in which points are issued against a DVLA licence for motoring offences. If a driver reaches 12 points within a 12-month period, the licence will be referred to the Lead Licensing Officer [or the Regulatory Services/Licensing Sub-Committee] for consideration. The decision maker will receive a report from officers and invite written representations from the licence-holder. This system allows the Licensing department to become aware of patterns or problems. The penalty point scheme enables the licensing team leader or Members to give weight to patterns or problems when issues come before them.

**25.9** The monitoring of contraventions system is only in place for breaches of conditions that the Council witnesses and/or investigates. If, for example, the Police deal with an issue by way of issuing a penalty notice or awarding penalty points/fine, the Council would not then issue points as well.

**25.10** If the licence-holder believes that points have been issued in error, or that there are mitigating circumstances not taken into account by the officer, there is a right of appeal to the Head of Regulatory Services, Three Rivers District Council, Three Rivers House, Northway, Rickmansworth, Hertfordshire, WD3 1RL within 14 days of receiving the notice containing the points. The licence-holder will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

**25.11** The issue of points does not prevent the Licensing section from taking any other or additional action, including prosecution where this is felt to be appropriate. For the avoidance of doubt, any breach of legislation, conditions, or offences not contained within the table will be dealt with in line with the hackney carriage and private hire policy.

#### **25.12 Allocation of penalty points**

The penalty point scheme assists the trade in maintaining its high standards and will act as a first step in assuring compliance with the licence conditions.

#### **25.13 Points for Unattended vehicles**

A vehicle will be considered to be unattended if it is considered that the driver would not be available to be hired when a customer approached. Therefore, points would not be issued simply because the driver was standing outside of the vehicle but would be likely to be issued if the driver is not close enough to the vehicle to acknowledge the customer when they approach. Taxi ranks are provided for drivers to show that they are available for hire, and are not a parking provision for licensed vehicles.

#### **25.14 Contraventions that will be dealt with outside of the penalty point(s) scheme**

The following licence contraventions are considered to be very serious and therefore a single offence shall lead to consideration of whether a licence-holder should be suspended or revoked:

- Unlicensed vehicle by a licensed driver
- Unlicensed driver using a licensed vehicle
- Failure to display hackney carriage or private hire plate on licensed vehicle
- Driving with no valid Insurance
- Driving with no valid compliance/MOT
- Contravention of suspension notice.

Whilst a defective tyre will normally lead to 4 points being issued, the Council will consider the severity of the defect and this could lead to a higher number of points being issued and potentially suspension or revocation of the driver's licence.

#### **25.15 Suspension of licences**

A suspension notice can be issued giving 21 days' notice before the suspension takes effect or can be with immediate effect in the interest of public safety.

Whilst each case will be taken on its own merit, generally a suspension notice will normally be served in the following cases:

- If there is a history of non-compliance with the licence conditions or legislation and/or where 12 points have been issued as detailed above in a twelve month period.
- If there is a significant contravention in terms of risk to members of the public due to non-compliance.
- If the person is not otherwise currently considered to be a fit and proper person to be a licensed driver.
- Any other serious matter.

The policy on criminal records and behaviour will be used to assess whether a suspension should be given and if so whether it should be with immediate effect.

Also, the Crown Prosecution Service or Police may be asked to apply for bail conditions, which require any/all licences affected by this policy to be revoked by the Court.

Where a licence is refused, revoked, suspended or not renewed the licence-holder must be provided within 14 days of the decision being made and notice of the grounds on which the action was taken.

### **25.16 Revocation of licences**

In the case of a driver or operator licence, the test will be whether the driver/operator is a fit and proper person (assessed in accordance with this policy, current legislation, case law and guidance). If they are not, on the balance of probabilities, then the licence will be revoked.

The decision to revoke a licence will not be taken lightly. The lead licensing officer has delegated authority to revoke licences if appropriate or can refer the licence to a Regulatory Services/Licensing Sub-Committee if deemed appropriate.

### **25.17 Voluntary Surrender**

Voluntary offers to surrender a licence will be accepted if made in writing and the licence plate/disc/badge returned. No refund of licence fee will be paid on the surrender of a licence.

### **25.18 Notification of decisions**

Any notice required to be served by the Council under this licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at, the last known address of the holder of the licence. Notices may also be served by email and will be deemed served on the individual once sent.

### **25.19 Appeal against refusal, suspension or revocation of a licence**

The applicant or licence-holder has the right of appeal to the Magistrates' Court (or Crown Court if relating to refusal to grant a hackney carriage vehicle licence) Appeal procedures to the Magistrates' Court will be detailed with notices sent out. On appeal to the Magistrates' Court a suspended or revoked licence can continue to be used until the appeal is heard with the exception of those licence-holders suspended or revoked with immediate effect under section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976

### **25.20 Formal caution**

This is an alternative to prosecution and requires that the offender must admit the offence.

In considering the issue of a formal caution the following will be taken into account:

- The seriousness of the offence.
- The benefits of its use rather than prosecution, e.g. cost, speed, deterrent effect in respect of re-offending
- The intention to rectify the contravention
- The evidence regarding the contravention.
- Previous history of the offender
- Consideration of the public interest (application of public interest test).

Written information will be given or sent to the offender regarding the significance of the caution immediately prior to offer of the formal caution.

Formal cautions will always require first the signature of the offender and then the authorised local authority representative.

Copies of the caution will be sent to the offender and sent to the central registrar of convictions. The Legal department will hold the original caution.

### **25.21 Prosecution**

Prosecution will normally only be contemplated when the offences are serious, for example where there is a potential for risk to passenger safety, or as a result of refusal to accept other courses of action. Unlicensed persons or businesses will be considered for prosecution.

The following will be taken into account;

- the previous history
- the explanations or attitudes
- the probable public benefit
- whether the use of a formal caution would be more appropriate.

Prosecution will be authorised by the Head of Regulatory Services after consultation with the Head of Legal and Democratic Services.

Should the Crown Prosecution Service be initiating action against a person or business for offences which also involve breaches of the Police Town Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 or byelaws made in respect of hackney carriages, they may be authorised to initiate proceedings under these acts.

**Three Rivers District Council  
Hackney Carriage and Private Hire Drivers Licence Requirements**

**Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)**

The following conditions will be attached, pursuant to section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), to all Private Hire Drivers’ Licences issued by Three Rivers Council, unless a specific exemption has been granted by the authority. The attachment of these conditions does not affect the Council’s entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application. These requirements apply to hackney carriage and private hire drivers. In determining what matters should be considered for a person to be a fit and proper person to be a driver the following applies:

**1. Introduction**

1.1. In these conditions: “the Council” means Three Rivers District Council; “the Operator” means the holder(s) of the Private Hire Operator’s Licence issued by the Council; “vehicle” means any licensed private hire vehicle (and hackney carriages, if bookings are also invited and accepted for fulfilment by these vehicles) operated by the Operator and “driver” means the holder of a private hire driver’s licence.

1.2. Terms defined under section 80 of the 1976 Act shall bear the meanings set out therein.

1.3. The licence is issued in respect of the person(s) whose details on the licence are not transferable. If at any time during the period of the licence the Operator for any reason does not wish to retain the licence, the licence shall be surrendered to the licensing officer at the Council.

There would be no full or part refund of the licence fee in such circumstances.

**2. Fit and proper person**

Applications for a private hire driver’s licence can only be made by fit and proper persons. A fit and proper person must:

- be medically fit
- comply with the Council’s guidelines for the issue of hackney carriage and private hire driver and operator licences policy and the Home Office circular with regard to cautions, convictions or pending court appearances as detailed in the Home Office circular
- not be entered on the sex offenders register
- be an experienced driver
- have the required knowledge of the district, highway code, policy and customer care.

**3. New applications**

Applications will only be accepted by the Licensing department if they are made on the form produced and provided by the Council.

The first application for a driver’s licence must be accompanied by two independent references as to the character of the applicant. The names, addresses, and phone number of the referees must be stated on the application form.

An application will also be only considered after it has proved that they have a right to work in the UK and the Council is in the receipt of three references, two passport-sized photographs, a full DVLA/ EU (UK) driving licence including photo card and DVLA code, a current medical certificate (not older than 3 months), proof of identity (Passport/ Birth Certificate), a relevant knowledge test pass certificate, an enhanced Disclosure and Barring Service criminal record check (not older than 3 months) or DBS certificate and written authorisation to check the ‘update service’, a specialist driving standards test certificate and a Certificate of Good Conduct from the relevant embassy for all applicants who have lived in the UK for less than 5 years (new applicants only) or who have been absent for a period of 9 months or more within the last three years for current licensees.

If the Certificate is not issued in English, the applicant will be required to pay for the relevant translation. All fees must be paid when submitting the application.

A medical certificate completed by the applicant’s registered medical practitioner is required to prove the applicant is fit to drive a licensed vehicle.

Where an existing licensed hackney carriage driver applies to obtain a private hire licence, or vice versa, no additional medical will be required.

#### **4. Renewal**

Applications will only be accepted by the Licensing department if they are made on the form produced and provided by the Council.

An application will only be considered upon receipt of the correct fee, two passport-sized photographs and a full DVLA/EU (UK) driving licence including photo card and DVLA Code. Any additional documents that are due to expire within the renewal period must also be presented at renewal. In addition, the expired driver's badge must be returned to the Council in order to collect your replacement badge.

All fees must be paid at the time of renewal. Only full applications will be accepted and any missing documents or elements will mean your application will not be processed.

Licences will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may not be issued prior to the expiry of the current licence, and in these cases the Licensee will not be able to work as a licensed driver or drive a licensed vehicle until the new licence is issued.

#### **5. Fees**

The appropriate fee as prescribed from time to time by the Council must accompany all applications.

#### **6. Photographs**

An application must be accompanied by two recent passport sized photographs of the applicant. It must be signed by the applicant. It must be taken against a light coloured background, and clearly show your full face. You must not wear sunglasses, or any head covering unless head covering is worn for religious or medical reasons. The photo will be used for the driver's badge that will be issued by the Council.

#### **7. Proof of identity**

A birth certificate, national insurance number, passport or new style photographic driver's licence must be produced on first application.

#### **8. Duration of driver's licence**

The standard period that a licence shall remain in force is three years, commencing from the date the licence is granted, not the date of the application itself.

No licence will be issued for a period longer than the standard three-year period, but if an applicant wishes to be considered for a licence with a shorter duration, this request must be put in writing at the time of application. These requests will be considered on a case by case basis.

A driver's licence on renewal may be issued for a probationary period of less than three years as determined by the Council, dependant on the applicant's ability to demonstrate being a fit and proper person. Items that could be considered would include driver's experience, criminal record, references, past allegations, record of compliance with the conditions, outstanding fees and any other reasonable cause.

#### **9. Medical certificate**

The standard of medical examination as required by the Council is that normally associated with a Group 2 driver's licence. All drivers are required to provide a certificate signed by their registered medical practitioner to the effect that they are physically fit to be the driver of a taxi or private hire vehicle. A medical certificate is required at first application, every 3 years up to 65 years of age, and annually thereafter.

The applicant is responsible for the payment of all fees required for any medical examination.

The licensee shall notify the licensing officer in writing as soon as possible and in any event not later than fourteen days of any illness or injury affecting his or her fitness to drive in any way.

Where there is reasonable doubt over a driver's fitness, the Council may direct the driver for a medical examination by a specified registered medical practitioner at any time. The applicant is responsible for the payment of all fees required for any medical examination.

## **10. Driving experience**

A valid full DVLA/ EU (UK) driver's licence (Groups A and B) must have been held for a period of three years prior to application. Whilst each case will be taken on its merit, as a general principle a licence will not be granted where an applicant has been convicted of a serious driving offence in the past three years, or has more than six active points on their licence.

In addition to the above, all new applicants will have to demonstrate good driving ability and be aware of potential hazards. This will be assessed by the completion of a driving assessment by the DSA; a valid (within valid date as printed on certificate) pass certificate will be required before the licence can be issued. Alternatively a driver can demonstrate his/her ability by being a member (by examination) of the Institute of Advanced Motorists, or holding a HGV/ PCV (PSV) licence.

## **11. Disclosure and Barring Service criminal record check**

A DBS enhanced disclosure is required on receipt of new applications. Applicants and existing drivers are required to sign up to the update service provided by DBS ([GBG](#)), providing a mandate for this to the Council. An authorised officer can make random checks whilst the licence is effective. This will require a DBS enhanced disclosure application form to be completed by the applicant. All applicants should refer to the Council's guidelines for issue of private hire driver and operator and Home Office circular with regards to any criminal convictions or cautions. A fee is required for this check.

Existing drivers at the time this policy is adopted will be required to sign up to the Update service when their current criminal record check is due to be updated.

## **12. Convictions**

Convictions will be dealt with in accordance with the policy on criminal convictions and behaviour in section 21 of the hackney carriage and private hire policy.

In order to ensure protection of the public a driver must ensure immediate disclosure (within 72 hours) to the licensing officer in writing if they are charged, arrested, cautioned, or convicted of any offence during the period of their licence. Should knowledge of any offences be withheld, this will reflect on a person fitness to be a licensed driver and may lead to a licence being suspended.

## **13. Driver's identity badge**

The badge shall be worn at all times the vehicle is being used as a licensed vehicle and in such a position and manner as to be plainly and distinctly visible. Hanging from the interior mirror is not acceptable.

On the expiry, revocation or suspension of the licence, the driver shall return the badge to the Council on demand.

The driver must report the loss of their driver's badge and or licence to the Council as soon as such loss becomes known. The driver cannot work as a private hire driver until a replacement has been issued.

Upon the expiry, revocation or suspension of his/her licence, the driver must forthwith return to the Council the driver's badge issued by the Council.

The badge remains the property of the Council at all times.

## **13. Compliance with legislation**

Drivers, where applicable, are expected to comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the byelaws made in respect of hackney carriages and conditions relating to the private hire driver's licence. They are also expected to comply with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) in respect of assistance dogs.

## **14. Smoking**

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006.

The use of electronic / vapour cigarettes is not permitted to be used in a licensed vehicle while the driver has a passenger on board. The lack of knowledge and research into the long-term effects of the exposure to these devices is unknown.

The Council requires an international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.



## **15. Insurance**

The driver of a licensed vehicle must ensure the vehicle is insured for use for that specific purpose. Such insurance must be continuous and include full legal liability for passengers and luggage.

## **16. CCTV in vehicles**

The licensee shall ensure that they do not drive a licensed vehicle with unauthorised facilities for recording visual or audio sources. All vehicles with an authorised CCTV system shall contain a certificate of authorisation. Any proposed CCTV system must satisfy the requirements of the CCTV conditions within the hackney carriage and private hire licensing policy and must be authorised by a relevant officer.

## **17. Appeals procedure**

Any person aggrieved by refusal to grant a licence may appeal to the Magistrates' Court within 21 days of a decision being made.

## **18. Change of personal details**

The driver shall immediately (within 7 days or 5 working days) notify the authorised officer in writing of any change in his or her personal details. Changes shall include changes of address, name, marital status, phone number and mobile number with relevant documentation to supporting the change i.e. DVLA licence.

## **19. Suspension, revocation, and refusal to renew licence**

Without prejudice to these conditions, the Council may suspend, revoke or refuse to renew the licence when considered necessary to do so.

The Council will have regard to this policy when making a decision to suspend, revoke or refuse to renew a licence.

## **20. Other offences**

The licensee shall be guilty of an offence if he or she:

- Wilfully obstructs an authorised officer acting in pursuance of Part II of the 1976 or the Town Police Clauses Act 1847
- Fails to comply with any requirements made to him or her by the authorised officer
- Without reasonable cause fails to give the authorised officer any other assistance or information which he may require for the performance of his or her functions.

## **21. Conduct of driver**

The licensee shall:

1. at all times be clean and respectable in his or her dress, behave in a civil and orderly manner, and not use foul and abusive language;
2. take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;
3. assist any passenger in gaining access to or exiting from the vehicle;
4. assist any passenger with the loading and unloading of luggage into and out of the vehicle;
5. afford reasonable assistance in removing a passenger's luggage to or from the entrance of any house, station or place at which he or she may collect or set down a person unless otherwise directed by the hirer, shall proceed to the destination requested by the Hirer by the shortest possible route;
6. not drive the vehicle without the written consent of the proprietor of the vehicle;
7. not drink, eat, or play audio equipment in the vehicle without the express permission of the hirer;
8. shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle;
9. not sound the horn or lights of the vehicle or shout in order to signify to the Hirer or passengers that the Licensee is waiting for the Hirer or passengers;
10. not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user;
11. take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle;
12. comply with all road traffic law;
13. not use a mobile phone whilst driving;
14. ensure that he or she does not drive a vehicle with more passenger capacity than their badge authorises.;
15. not smoke or permit a passenger to smoke in the vehicle.
16. ensure that regulation "No Smoking" signs are prominently displayed on the front passenger window or dashboard and on the rear passenger window of the vehicle, the signs are to be international "No Smoking" signs 70mm in diameter.

In addition, the following apply.

17. Drivers will ensure that they do not drive if they are under the influence of drugs or illegal or psychoactive substances. The use of these prior to commencing work, whilst at work or during meal/rest breaks in the working day, including meal/rest breaks spent outside of their operating base or vehicle or when on call, is strictly prohibited.
18. Drivers must not initiate any dialogue of a "sexual" nature with a passenger including by telephone contact, social media, email or any other form of communication. Licensed drivers are not permitted to become involved "sexually", or have sexual contact, with a passenger whether consent is given or not and whether or not the vehicle is carrying fare-paying passengers at the time. Conversations that are likely to offend or upset passengers should also be avoided, examples would be conversations of a personal nature, but whether a conversation would be considered 'likely' to offend or upset a passenger would be considered by the Council on an individual basis if a complaint is received.
19. Before commencing work each day, licensed drivers must ensure that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended.
20. Before commencing work each day, licensed drivers must ensure that any vehicle they drive has an adequate Fire Extinguisher, First Aid Kit and Emergency Bulb Kit meeting the vehicle licence conditions. If during the day these items are used, the driver shall ensure that these are replaced before collecting the next customer.

## **22. Passengers**

The licensee shall not:-

- a) Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- b) Without the consent of the Hirer convey or permit to be conveyed any other person in the vehicle.

Allow to be conveyed in the front of the vehicle:

- c) Any child below the age of three years
- d) More than one person above the age of three years
- e) An infant in arms.

The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

## **23. Lost property**

23.1 The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein,

23.2. The licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be taken to a Police station within 48 hours of it being found.

23.3. All lost property, whether handed into the Police station or not, must be recorded either electronically or by any other method and be available for inspection by an authorised officer or Police officer.

## **24. Written receipts**

The driver shall, if requested by the hirer, provide them with a written receipt for the fare paid.

## **25. Animals/assistance/guide dogs**

The driver shall not convey in a licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

The driver shall ensure that any animals, only belonging to or are in the custody of a fare paying passenger are conveyed in the rear of the vehicle. The driver shall transport any person and his/her guide or assistance dog without additional charge. Holders of an exemption certificate from carrying animals (issued because of medical reasons) must display the certificate in a prominent position.

It is an offence to refuse to carry assistance/guide dogs.

## **26. Prompt attendance**

26.1. The driver of a licensed vehicle shall, when hired, punctually attend at the appointed time and place, unless delayed or prevented by sufficient cause.

26.2. In the event of a delay or prevention by a sufficient cause, the driver shall contact the operator to inform them of the delay or sufficient cause. The driver or operator shall contact the hirer to explain the reason for delay.

26.3. In the case of delay or prevention by a sufficient cause the operator shall either dispatch another vehicle or if necessary sub-contract the booking to another private hire operator to dispatch a replacement vehicle.

## **27. Taximeter**

The following conditions apply.

- (a) A licensed driver shall not drive the vehicle unless the taximeter (where fitted) is in working condition and has been sealed by a meter company, which has issued the licensee with a calibration certificate.
- (b) The licensed driver shall not cause the fare recorded (in accordance with table of fares \*Hackney Carriage Only\*) to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
- (c) The Licensee shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof, or with the seals affixed thereto.
- (d) The Licensee shall ensure that when the vehicle is not in use the taximeter is switched off.

## **28. Fare to be demanded**

28.1 The driver shall not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed. If the vehicle is fitted with a taximeter the fare shown on the face of the taximeter is the highest fare that can be charged. The driver shall not demand any fare higher than that shown on the face of the taximeter.

28.2 (Hackney Carriage Only) A printed copy of the table of fares currently approved by the Council must be prominently displayed in the passenger compartment of the vehicle and the fare charged to any passenger shall not exceed that table.

## **29. Seatbelts**

It is recommended that when driving the vehicle the licensee should wear a seat belt at all times.

## **30. Insurance**

The driver of a licensed vehicle shall ensure that, before commencing to drive the vehicle, he or she is covered by a valid insurance policy for public hire (and private hire if private hire bookings are accepted from licensed operators) which includes full legal liability for passengers and luggage and shall ensure that they do not act in any way which might invalidate the insurance.

The licensee shall, on being requested to do so, produce the insurance certificate to a Police officer or an authorised officer.

## **31. Accidents and damage to the vehicle**

The licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle and/or any damage materially affecting the safety, performance or appearance of the vehicle within 72 hours of the accident using the form issued by the Council. In the interests of public safety, the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer or a new compliance certificate has been obtained where appropriate as considered by the Council on receipt of the reported details of the incident.

## **32. Inspections**

The licensee shall not obstruct the authorised officer or any Police officer from carrying out any inspection or test of the vehicle.

## **31. Copy of licence and requirements**

33.1 The licensee shall at all times when driving the vehicle carry a copy of their licence and these requirements, and shall make it available for inspection by the hirer, any other passenger, the authorised officer or a police officer upon request.

**34. Variation of requirements**

The Council reserves the right to vary, delete or waive any of these requirements.

**35. Notification of decisions**

Any notice required to be served by the Council under any licence granted or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at, the last known address of the holder of the licence. Notices may also be served by email and will be deemed served on the individual once sent.

**36. Appeals procedure**

Any person aggrieved by refusal to grant a licence may appeal to the Magistrates' Court within 21 days of a decision being made.

## Requirements relating to Hackney Carriage and Private Hire Vehicles

### Local Government (Miscellaneous Provisions) Act 1976 ("The 1976 Act")

#### 1. Applications

All applications will only be acceptable if they are in the form provided by the Council, such form must be completed and signed by the applicant. An application will only be considered after production of the vehicle registration document, MOT (when required by law), Certificate of Compliance, (European whole vehicle type approved, if required), insurance certificate, calibration certificate (for taxi meter) and fee.

#### 2. Renewal

All applications will only be accepted if they are produced and provided by the Council,

An application for renewal will only be considered upon receipt of the correct fee, the Vehicle Registration document, and any additional documents that are due to expire within the renewal period. This may include: Insurance, MOT, and compliance certificate. In addition, the expired vehicle plate must be returned to the Council in order to collect your replacement.

All fees must be paid at the time of renewal. Only full applications will be accepted, any missing documents or elements will mean your application will not be processed.

Licences will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may not be issued prior to the expiry of the current licence, and in these cases the licensee will not be able to work as a licensed driver until the new licence is issued.

#### 3. Fee

The appropriate fee, paid in full, as prescribed from time to time by the Council, must accompany all applications.

#### 4. Duration of vehicle licence

All licences shall remain in force for a maximum of one year only, commencing from the date of the granting of the licence.

#### 5. Dual plating

No licence shall be granted where the proposed vehicle is already licensed by another Council. Such vehicles may be licensed following the surrender of the existing licence. Providing they meet the criteria of this policy and a full application is made.

#### 6. Change of vehicle or transfer of licence

An application by the licence-holder for a change of vehicle or an application to transfer the licence will only be considered after production of the vehicle registration document, MOT, certificate of compliance, (European whole vehicle type approved, if required), insurance certificate, valid taximeter calibration certificate and the relevant fee. In the case of a transfer application a dated letter stating that the vehicle and the plate are being transferred from the current holder to the new owner. This letter must include addresses, plate number, vehicle type and registration.

**Please note a change of vehicle application, and a transfer of a vehicle licence cannot take place at the same time.**

#### 7. Type of vehicle

The Transport Act 1985 allows licensing authorities to regulate vehicle standards. Circular 8/86 accompanying the Transport Act, states that authorities will wish to ensure that vehicles are mechanically sound, roadworthy and safe. The following will be applied:

- The vehicle must not be left hand drive
- All newly licensed private hire vehicles must be no more than 7 years old as defined by the registration date on the vehicle V5 document and meet Euro 5 standards for emissions
- Only vehicles holding or built to the standards required by the M1, M2 and M3 European whole vehicle type approval and meet Euro 5 standards for emissions will be licensed.

Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M classification or the enhanced single vehicle certificate together with the original M type approval.

- The vehicle must be maintained throughout the term of the vehicle licence, to a high standard of appearance to the complete satisfaction of the Council, and kept in the condition stated in the standards for conditions of appearance of a hackney carriage or private hire vehicle.
- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept in the vehicle. The tyres shall be of an approved rating as specified by the manufacturer and not more than 10 years old.
- No vehicle shall be licensed which would require any passenger to climb over any luggage in the vehicle or climb into any boot space
- All seats, front and rear must be fitted with seat belts
- The vehicle must be submitted for a mechanical test at a garage authorised by the Council and may be inspected for suitability by the Council's licensing officer. A certificate of compliance with the standards required under the Road Traffic Act 1972, Sections 43 and 44 must be provided by the garage. In addition to those standards required by the MOT the items detailed in the attached form are required
- The Council's licensing officer may direct the vehicle to be inspected in accordance with the certificate of compliance at a specific testing station
- A certificate of compliance and MOT will be valid for 1 year from date of issue.
- The vehicle should contain a portable dry powder 1kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard, and should be mounted in a convenient position in the vehicle. The extinguisher shall be marked with the hackney carriage/private hire vehicle registration number
- A first aid kit complying with the Health and Safety (First Aid) Regulations 1981 should be carried in the vehicle. The kit to be marked with the hackney carriage/ private hire licence number
- Vehicles that have been converted to use liquid petroleum gas and/or Compressed Natural Gas, require compliance with the Liquid Petroleum Gas Association's Code of Practice No.11
- That a valid certificate certifying compliance with the standards of the Code of Practice No. 11 be submitted with all new applications in respect of converted private hire and hackney carriage vehicles unless such vehicles were factory converted from new

### **8. Seating capacity**

The seating capacity of any hackney carriage/private hire vehicle shall be calculated in accordance with the provisions of Regulation 44 of the Road Vehicles (Registration and Licensing) Regulations 2002, (SI 2002 No. 2742) and the Council's decision shall be binding.

### **9. Testing of vehicles**

A licence shall not be granted in respect of any vehicle unless such vehicle has a current certificate of compliance as detailed below, and a valid MOT certificate (where required).

### **10. Insurance and road fund licence**

All hackney carriage and private hire vehicles must be licensed and insured for hackney carriage or private hire use. Such insurance must be continuous and include full legal liability for passengers and luggage. Proof of insurance must be submitted with each application for a licence and where it expires during the term of the licence a new certificate or cover note must be supplied to the Licensing team.

### **11. Certificate of compliance**

- A certificate of compliance will only be granted where a vehicle complies in all respects with the detailed standard set out in the main policy document.
- A certificate of compliance shall be valid for one year only from the date of issue.
- A certificate of compliance may only be issued by a vehicle testing station authorised and designated by the Council.
- A current list of designated vehicle testing stations is available from the Council.

### **12. Examination of vehicles**

The licensing officer may request that the vehicle is presented at the Council's offices at Three Rivers House Northway Rickmansworth Hertfordshire WD3 1RL at a time and date agreed for the purpose of establishing that the vehicle complies with the Council's requirements.

### **13. Smoking**

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006.

The use of electronic / vapour cigarettes is not permitted to be used in a licensed vehicle while the driver has a passenger on board. The lack of knowledge and research into the long-term effects of the exposure to these devices is unknown.

The Council requires an international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

#### **14. CCTV in vehicles**

The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the Council. Any proposed CCTV system must satisfy the requirements of the CCTV conditions section.

#### **15. Appeals procedure**

Any person aggrieved by refusal to grant a licence may appeal to the Magistrate's Court within 21 days of a decision being made.

#### **16. Standards for conditions of appearance of vehicles**

The vehicle must comply with the following:-

**Rust:** Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with visible rust patches should be failed

**Dents:** Any vehicle with minor dents on one or more panels where such dents are more than 5cms in diameter/length should be failed

**Scratches:** Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch of more than 20cms in length, should be failed

**Paintwork:** All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures

**Seats:** In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter

**Carpets/floor covering:** All carpets and floor covering shall be complete and free from cuts, tears, staining and soiling

**Headlining and other trim:** All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling

**Boot/luggage compartment:** This should be empty, except for spare wheel, essential tools and first aid kit (to comply with Health and Safety and First Aid Regulations). The compartment should be clean and any covering free from major cuts, tears or other damage or staining

**Interior:** The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish

**Vehicle emissions:** The vehicle must comply with the Motor Vehicle (Emission Test) Regulations for Euro 5 standard for emissions.

**Glazing:** All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75%, Front Side Windows 70%, All other Windows 30%. The lower the number the darker the tint.

**Roof Boxes and Roof Racks:** The use of roof boxes and roof racks is strictly prohibited unless there is roof space or storage already integrated into the vehicle.

## Requirements relating only to Private Hire Vehicles

### 1. General

The vehicle shall have three or four doors (a rear-opening hatch back will not be considered or counted as a door for the means of entry or egress, except that a multi-purpose vehicle may have a single sliding door to the left hand side of the vehicle)

### 2. Private Hire occupancy plate

The plate shall be securely fixed to the rear of the vehicle using a purposely made bracket at all times, regardless of whether the vehicle is being used provided free of charge on issue and for a fee at any other time). If this is not suitable or practicable, the plate shall be securely and permanently fixed to the rear of the vehicle, on or above the bumper by the use of screws or bolts, and be clearly visible. A magnet will not be considered securely fixed for the purposes of this condition. The licensee shall ensure the plate is kept clean and is not wilfully or negligently concealed from public view whilst the vehicle is licensed.

The licensee shall ensure that the vehicle at all times throughout the period of licence, has this plate exhibited in the manner described above.

The identification plates shall remain the property of the Council.

### 3. Private Hire Internal Licence Plate

When licensed, the vehicle shall have an authorised internal licence plate. This is to be displayed in the front of the vehicle in such a way as to be clearly visible from the inside and the outside of the vehicle.

### 4. Signs etc.

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises Tobacco, Alcohol, any form of sex shop or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer, for which there is an administration fee per batch of advertising.

No signs or advertising containing the word "TAXI" will be permitted on any Private Hire vehicle.

### 5. Private Hire signs

A roof sign is not permitted.

As directed by the Council the operator shall cause to be fixed and maintained to the front driver and passenger doors a prescribed sign bearing the words "Private Hire Vehicle – Advance Bookings Only.

### 6. Dispensation/Exemption Certificates from displaying vehicle licence plate

The Licensing team have a duty of care to ensure that all residents, professional clients and general customers travelling in Private Hire vehicles are safe and secure at all times. Dispensations will only be considered for specialist private hire use. This does not include airport services, regular school contracts and normal daily/weekend private hire work.

Information listed below is required to be submitted prior to a formal decision being made. New documents with this information will be required by the Licensing team at the renewal stage of the vehicle licence to assess whether the exemptions should remain in force.

- Identification of vehicle/s involved. We will require full details of the vehicles being used under exemption certificates, including make and model of vehicle, vehicle registration, Licence details, Owners details and Full Name & Address of the driver using the vehicle.
- Nature of work carried out by each vehicle, which is alleged to justify an exemption (which must be work of a prestigious nature, as opposed to ordinary private hire work) detailing each of your contracts and information on trips carried out under the exemption certificate.
- Identities of all clients served by the vehicle/s identified. Full name, address and details of clients including contact name, telephone number and website address and companies house registration number.
- Proportion of each vehicle's work, which is derived from each, named client. I.e. on a weekly basis how often will you be working for each individual client?



- Written confirmation from the clients named. A letter will be required confirming use of your services and confirming reasons why plates are not to be displayed.

Should a dispensation be approved the licence plate will not be required to be fixed to the vehicle; however, the licence, dispensation certificate and plate must be carried at all times in the vehicle. No advertising is permitted on or in any vehicle with dispensation.

Any person aggrieved by the decision of refusal to grant a certificate can appeal to the Head of Regulatory Services in writing within 14 days.

Where the use of vehicles changes during the period that the vehicle is licensed, the Licensing team must be informed so dispensation can be removed. If dispensation is removed, the exceptions that this provides will no longer relate to that vehicle.

#### **7. Residential qualification**

The operator of any private hire vehicle must maintain an office within the area of the Three Rivers District Council for a period of the licence.

#### **8. Private Hire Vehicles May Not Operate From Taxi Ranks and Stands**

Private Hire Vehicles may not operate from hackney carriage ranks or stands or ply the carriageway for hire but must be pre-booked.

#### **9. Roof Boxes and Roof Racks**

The use of roof boxes and roof racks is strictly prohibited unless there is roof space or storage already integrated into the vehicle.

## **Requirements Relating Only To Hackney Carriage Vehicles**

### **Town Police Clauses Act 1847 (“the 1847 Act”) Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)**

#### **1. General**

- All new hackney carriage vehicle licences issued shall be for a purpose built hackney carriage, capable of conveying a disabled person whilst seated in a wheelchair. The vehicle must be adapted or designed by the manufacturer or his agent, to carry at least one wheelchair bound passenger. Please check with the Licensing Department that the vehicle you intend to purchase meets the condition. Vehicles of a type currently licensed as a hackney carriage in London are acceptable.
- Other wheelchair accessible vehicles will be specifically approved by the Council for use as hackney carriages, subject to them meeting the following minimum requirements;
- The wheelchair access should be available from the kerbside with the wheelchair facing forward and being secured to a CE type approved, manufacturer installed anchorage system for the chair. The passenger secured to a CE approved, manufacturer installed seat belt anchorage system
- Passenger door dimensions to be not less than the minimum currently required of hackney carriages in London.
- To improve access to disabled persons all hackney carriages licensed in compliance with the wheelchair accessibility requirements may only be changed to vehicles that similarly meet that standard
- The vehicle shall have three or four doors (a rear-opening hatch back will not be considered or counted as a door for the means of entry or egress, except that a multi-purpose vehicle may have a single sliding door to the left hand side of the vehicle)

#### **2. Hackney Carriage Occupancy Plate**

When licensed, the vehicle shall have an authorised occupancy plate fixed to the rear of the vehicle. The plate shall be securely and permanently fixed to the vehicle on or above the bumper and be clearly visible. The plate shall be secured to the vehicle by the use of a bracket. If a bracket is not suitable or practicable, then the plate shall be fixed with the aid of screws or bolts.

#### **3. Hackney Carriage Internal Plate**

When licensed, the vehicle shall have an authorised internal plate. This is to be displayed in the front of the vehicle in such a way as to be clearly visible from the inside and the outside of the vehicle.

#### **4. Taximeter**

All hackney carriage vehicles shall be fitted with a taximeter installed by an authorised taximeter company and so constructed, attached, and maintained as to comply with the following requirement:

- All new hackney carriage vehicles shall require a calendar controlled tariff taximeter
- 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 meter
- Such key, flag or other device shall be capable of being locked in such a position indicating that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter
- 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 licensee or driver is entitled to demand and take for hire of the vehicle by distance in pursuance of the table of fares made by the Council in that behalf
- 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
- 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 vehicle, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
- The taximeter shall 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 the request of the hirer
- The taximeter shall have connected thereto a roof sign bearing the words “TAXI” in accordance with paragraph 8 below and such sign shall be plainly visible and legible to persons wishing to hire the

vehicle and for that purpose it shall be capable of being suitably illuminated when the vehicle is plying or standing for hire

- The taximeter and all its fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances
- When the vehicle is standing or plying for hire or returning from another district the key flag or other device fitted with the taximeter shall be locked in the position in which no fare is recorded on the face of the taximeter
- Before beginning a journey for which a fare is to be charged for distance and time, the taximeter should be brought into action so that the word “hired” is legible on the face of the taximeter and the taximeter should be kept on until the hiring has terminated
- The taximeter and its fittings will be sealed by the installer
- The taximeter shall be calibrated and sealed by the taximeter company at first installation and then when a seal is broken or missing, following a change to the table of fares, or when requested by the Council. The certificate of calibration is to be provided by the taximeter installer. A valid certificate should be produced on transfer, change or renewal of a licence.

### **5. Signs etc**

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises tobacco, alcohol, any sex related establishment (shop or venue), or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer. A charge will be payable as detailed in this policy

### **6. Roof signs**

The minimum sign dimensions for roof signs are 10” wide 5” deep and 4” high, there are no maximum measurements. The word taxi only in black capital letters to be clearly legible on the front and rear side of the roof sign. The front of the sign must be white and the back red or white. Purpose built taxis are exempt from these requirements.

The sign must be illuminated when plying or available for hire during the hours of darkness and must be linked to the taximeter so that when a fare is being carried, the roof sign is not illuminated.

### **7. Taxi ranks and stands**

Hackney carriages can operate from authorised ranks or stands, including ‘shared’ stands or ply the carriageway for hire or can be pre-booked.

## Licensing conditions relating to Private Hire Drivers

### Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)

#### 1. Introduction

The following conditions are made by Three Rivers District Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

These conditions should be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

#### 2. Definitions

In these conditions:

**‘The application’** shall mean the application made by the licensee for the grant of the licence

**‘Authorised officer’** shall mean a licensing officer of the Council’s Regulatory Services Department or any other officer authorised by the Regulatory Services.

**‘The Council’** shall mean Three Rivers District Council

**‘the hirer’** shall mean any person or persons who from time-to-time hires or books the vehicle

**‘the licensee’** shall mean the person(s) named in the licence

**‘the operator’** shall mean any person, company or partnership licensed by the Council to operate private hire vehicles

**‘the vehicle’** shall mean any private hire vehicle licensed by the Council

#### 3. General

The licensee shall ensure that he or she complies in all respects with the requirements of any Act and regulations affecting the operation of private hire vehicles and motor vehicles, these conditions and any code of practice implemented by the Council.

#### 4. Maintenance of the vehicle

The licensee shall:

- Ensure that the vehicle to be driven by him or her is in a roadworthy condition, thoroughly cleansed; all equipment fittings and fixtures are present and serviceable and comply with the conditions attached to the licence relating to the vehicle before commencement of any journey.
- Record details of checks and inspections in the record book provided by the proprietor of the vehicle.
- Report any defect discovered by the licensee to the proprietor of the vehicle.

#### 5. Standard of Service

The licensee shall:

- at all times be clean and respectable in his or her dress, behave in a civil and orderly manner, and not use foul and abusive language
- confirm the name, destination, and method of payment with every passenger prior to commencing any journey
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- assist any passenger in gaining access to or from the vehicle
- assist any passenger with the loading and unloading of luggage into and out of the vehicle
- afford reasonable assistance in removing a passenger’s luggage to or from the entrance of any house, station or place at which he or she may collect or set down a person
- unless otherwise directed by the hirer, proceed to the destination requested by the hirer by the shortest possible route
- not drive the vehicle without the written consent of the proprietor of the vehicle
- not drink, eat, or play audio equipment in the vehicle without the express permission of the hirer
- shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle

- not use the horn or lights of the vehicle or shout in order to signify to the hirer or passengers that the Licensee is waiting for the Hirer or passengers
- not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle
- comply with all road traffic law
- not use any hand-held communications or navigation devices or similar (such as mobile telephone, two-way radio, satellite navigation device or personal digital assistant) whilst driving
- immediately notify the Council's licensing officer if he or she has knowingly conveyed a dead body in the vehicle, and not drive the vehicle again until he or she has obtained written permission for the continued use of the vehicle
- not cause or permit the vehicle to stand in such a manner as to suggest that it is standing or otherwise plying for hire or that it is a hackney carriage
- not tout or solicit any person to hire or be carried in any private hire vehicle
- not cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle
- ensure that he or she does not drive a vehicle with more passenger capacity than their badge authorises.

In addition, the following apply.

- A licensed driver shall not smoke in their vehicle or permit any other person to smoke in their vehicle whether they are working or not. Under the Health Act 2006 all private hire / hackney carriage vehicles are required to be smoke-free at all times even when not being used for work purposes. 'No Smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with the above may lead to a fixed penalty notice being issued or a criminal prosecution.
- The use of electronic / vapour cigarettes is not permitted to be used in a licensed vehicle while the driver has a passenger on board. The lack of knowledge and research into the long-term effects of the exposure to these devices is unknown.
- A licensed driver shall not initiate any dialogue of a "sexual" nature with a passenger including by telephone contact, social media, email or any other form of communication. Licensed drivers are not permitted to become involved "sexually", or have sexual contact with a passenger, with or without consent.
- Conversations that are likely to offend or upset passengers should also be avoided, examples would be conversations of a personal nature, but whether a conversation would be considered 'likely' to offend or upset a passenger would be considered by the Council on an individual basis if a complaint is received.

## **6. Taximeter**

If the vehicle to be driven by the licensee is fitted with a taximeter, he or she shall not drive the vehicle as a private hire vehicle unless the taximeter is in working condition and has been sealed by a company with a calibration certificate being held by the Council. If the vehicle being driven by the licensee is fitted with a taximeter, he or she shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

The licensee shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof, or with the seals affixed thereto. The licensee shall ensure that when the vehicle is not in use the taximeter is switched off.

If a taximeter is fitted then the tariff card shall be displayed in the vehicle so it is visible to the customer.

## **7. Written Receipt of Fares**

The licensee shall, if requested by the hirer, provide a written receipt for the fare paid.

## **8. Accidents and damage to the vehicle**

The licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident using the form issued by the Council. In the interests of public safety, the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council.

The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer or a new compliance certificate has been obtained where appropriate as considered by the Council on receipt of the reported details of the incident.

### **9. Prompt attendance**

The licensee, when it is agreed that the vehicle has been hired, shall be in attendance with the vehicle at the appointed time and place and shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place. Prior to collecting the hire the licensee shall ensure that he or she is aware of the destination and how to reach the destination.

### **10. Driver's identity badge**

The licensee, at all times, when acting in accordance with this licence, shall wear in such a position as to be plainly and distinctly visible the badge issued to him/her by the Council. Hanging the badge from the internal mirror is not acceptable.

### **11. Proximity to an authorised rank**

The licensee shall not be permitted to wait or park on the public highway within 75 metres of an authorised hackney carriage rank.

### **12. Fares and fare table**

The driver shall not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter. The driver shall not demand any fare higher than that shown on the face of the taximeter.

The licensee shall cause any statement of fares provided by the operator to be exhibited inside the vehicle, in clearly distinguishable letters and figures.

### **13. Seat belts**

When driving the vehicle it is recommended that the licensee shall wear a seat belt at all times.

### **14. Passengers**

The licensee shall not:-

- f) Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- g) Without the consent of the Hirer convey or permit to be conveyed any other person in the vehicle.

Allow to be conveyed in the front of the vehicle:

- h) Any child below the age of three years
- i) More than one person above the age of three years
- j) An infant in arms.

The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

### **15. Carriage of animals and Assistance Dogs**

The licensee shall not permit any animal belonging to or under the care of the licensee or the driver to ride in the vehicle when using the vehicle for private hire. The licensee or driver shall not refuse any request to carry an assistance/guide dog, accompanying a person with a disability unless the licensee and/or driver has been exempted from this requirement by the Council. It is an offence to refuse to carry a guide or assistance dog (unless a medical exemption certificate is held. The licensee shall not refuse any reasonable request to carry an animal belonging to the hirer in the rear of the vehicle.

### **16. Private hire vehicle operator**

The Licensee shall not use the vehicle for private hire unless the bookings are invited and accepted by an operator within the district. The licensee shall ensure the operator has a current private hire vehicle operator's licence issued by the Council.

The licensee shall notify the authorised officer in writing of the name and address of the operator for whom they are permitted or employed to drive for within seven days from the date they commenced driving for that operator. If the licensee ceases driving for the operator, they shall notify the authorised officer in writing that they have ceased driving for the operator within seven days. If a driver ceases to work for an operator, and does not immediately notify the Council of their new operator's details, they must return their drivers badge to the Council immediately. Any driver not employed or registered to an operator upon the renewal of their licence shall be permitted to renew their licence, but their badge and licence will be retained by the Council until they find gainful employment with an operator based within Three Rivers District.

### **17. Deposit of licence**

The driver shall deposit a copy of his or her paper licence with the vehicle licensee/proprietor and operator before commencing to drive the vehicle. The licence shall be retained by the vehicle licensee/proprietor and operator until such time as the driver ceases to drive that vehicle or ceases to be registered / employed by the Operator.

### **18. Insurance**

The driver of a licensed vehicle shall ensure that they are covered by a valid, fully comprehensive insurance policy for private hire purposes which includes legal liability for passengers before commencing to drive the vehicle and shall ensure that they do not act in any way which might invalidate the insurance. The Licensee shall on being requested to do so produce the insurance certificate to a Police officer or the authorised officer.

### **19. Lost property**

The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein. The licensee shall take any property accidentally left in the vehicle or handed to him or her to a Police Station within the Three Rivers District boundary (see main policy) and leave it in the custody of the officer in charge and obtain a receipt. Such property if not sooner claimed by the owner must be taken to a Police station within 48 hours of the property being found.

### **20. Inspections**

The licensee shall not obstruct the authorised officer or any Police officer from carrying out any inspection or test of the vehicle.

### **21. Medical fitness**

The standard of medical examination as required by Three Rivers District Council is that normally associated with a Group 2 driver's licence. All drivers are required to provide a certificate signed by their registered medical practitioner to the effect that they are physically fit to be the driver of a taxi or private hire vehicle. A medical certificate is required at first application, every 3 years up to 65 years of age, and annually thereafter.

The applicant is responsible for the payment of all fees required for any medical examination.

The licensee shall notify the authorised officer in writing as soon as possible and in any event not later than fourteen days of any illness or injury affecting his or her fitness to drive in any way.

Where there is reasonable doubt over a driver's fitness, the Council may direct the driver for a medical examination by a specified registered medical practitioner at any time. The applicant is responsible for the payment of all fees required for any medical examination.

### **22. Convictions and cautions**

The licensee shall, within 72 hours, disclose to the licensing officer in writing if they or any of their drivers are arrested, cautioned, or convicted of any offence (including motoring offences) during the period of this licence. A representative must fulfil this obligation if the licensee is detained by the Police. Fixed penalty notices must be declared when received not when the DVLA driving licence is updated.

The licensee shall ensure that any licensed driver employed by them in any capacity is made aware that they are required to disclose all the information contained in point (16) above to the vehicle licence-holder during their period of employment.

### **23. Change of personal details**

The licensee shall immediately notify the authorised officer in writing of any change in his or her personal details. Changes shall include, changes of address, name status, phone number, mobile number, and email address.

### **24. Copy of licence and requirements**

Licensees shall at all times when driving the vehicle carry with them a copy of their licence and these requirements, and shall make it available for inspection by the hirer, any other passenger, the authorised officer or a Police officer upon request

### **25. Other offences**

The licensee shall be guilty of an offence if he or she:

- Wilfully obstructs an authorised officer acting in pursuance of Part II of the 1976 or the Town Police Clauses Act 1847;
- Fails to comply with any requirements made to him or her by the authorised officer;
- Without reasonable cause fails to give the authorised officer any other assistance or information which he may require for the performance of his or her functions.

#### **26. Variation of conditions**

The Council reserves the right to vary, delete or waive any of these conditions.

#### **27. CCTV in vehicles**

The licensee shall ensure that they do not drive a licensed vehicle with unauthorised facilities for recording visual or audio sources. All vehicles with an authorised CCTV system shall contain a certificate of authorisation. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in Hackney Carriage and Private Hire Licensing Policy (available upon request)

#### **28. Right of appeal**

If aggrieved by any of these conditions, the licensee may appeal to a Magistrates' Court within 21 days of the issue of the licence to the licensee.

#### **29. Expiry of licence**

The Licence-holder shall, upon expiry, revocation or suspension of his/her licence, forthwith return to the Council the licence and associated driver's badge issued by the Council.



**THE COMMON SEAL of THREE RIVERS**

**DISTRICT COUNCIL** was hereunto

affixed this 23rd day of December

2004 in the presence of:-

Steven Halls

Chief Executive

**Standard Conditions to the Hackney Carriage Driver's Licence**

- (1) The Licensee must comply with the Standard Conditions and the Bye Laws to the Hackney Carriage Driver's Licence.
- (2) Hackney Carriage vehicles must carry a guide dog or assistance dog belonging to a passenger, free of charge, unless the Licensee has a proven medical condition that would preclude such action. Licensees have a responsibility to ensure that their company is aware of such a condition when they are first employed. Exemption to this condition will only be given on production of a medical certificate.
- (3) The Licensee must inform the Licensing Officer of Three Rivers District Council, in writing, of any change of his/her address and/or operator, within 7 days.
- (4) The holder of a hackney carriage driver's licence must inform the Council, as soon as possible of any change in his/her medical circumstances. The Council reserves the right to require a medical from the licensee/applicant at any time on notification or suspicion of any changes in mental or physical health.
- (5) The driver of a Hackney Carriage, licensed by Three Rivers District Council, must not in any circumstances use the horn of the vehicle to attract a customer or to let a customer know that they have arrived at a pre-arranged meeting place.

## **Three Rivers District Council Hackney Carriage Byelaws**

### **Byelaws**

Made under section 68 of the Town and Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Council of Three Rivers District, with respect to hackney carriages in Three Rivers District.

### **Interpretation**

Throughout these byelaws “the Council” means Three Rivers District Council and “the district” means Three Rivers District

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

- (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him the 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.

### **2. Provisions regulating how hackney carriages are to be furnished or provided**

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 water-tight;
- (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 fitting 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; and
- (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.

### **3. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:**

- (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 hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- (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; and
- (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 displacing the seals or other appliances.

### **4. 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**

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; and
- (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at request of the hirer.

**5. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.**

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 appointed by the Council;
- (b) If a stand, at the time of his 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; and
- (d) From time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

**6.** A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

**7.** 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.

**8.** 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.

**9.** A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

**10.** If a badge has been provided by the Council and delivered to the driver of a hackney carriage he or she shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.

**11.** 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; and
- (c) Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

**12. Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares**

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by the combination of distance and time unless the hired express at the commencement of the hiring his desire to engage by time.

Provided always that, where a hackney carriage furnished with a taximeter shall be hired by distance and time, the proprietor or driver shall not be entitled to demand or take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

- (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage, bearing a statement of fares in accordance with this byelaw, shall not wilfully or negligently cause or suffer the letter of figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being sued for hire.

**13. 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**

The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein

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 or handed in to him/her, carry it as soon as possible, and in any event within 24 hours, if not sooner claimed by or on behalf of its owner, to Watford Police Station, Shady Lane, Watford Herts WD17 1DD and leave it in the custody of the officer in charge of the office, on his/her giving a receipt for it.

**14. Penalties**

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

**15. Repeal of Byelaws**

The byelaws relating to hackney carriages which were made by Three Rivers District Council on the 7<sup>th</sup> December 1976 and which were confirmed by the Secretary of State at the Home Office and came into force on the 12<sup>th</sup> day of November 1976, are hereby repealed.

The byelaws relating to hackney carriages which were made by Three Rivers District Council on the 16<sup>th</sup> day of December 1977 substituting byelaw 16, and which were confirmed by the Secretary of State at the Home Office and came into force on the 10<sup>th</sup> day of February 1978, are hereby repealed.

## **Conditions relating to Hackney Carriage Vehicles**

### **Town Police Clauses Act 1847 (“the 1847 Act”) Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)**

#### **1. General**

Any requirement of legislation which affects the operations being carried out under the terms of this licence shall be regarded as if they are conditions of the hackney carriage Vehicle Licence.

- The engine capacity of the vehicle must be no less than 1600cc (nominal).
- The vehicle will be a London-type Taxi or an approved Euro Cab.
- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept on the vehicle
- All seats, front and rear and disabled must be fitted with seat belts and maintained in good order on all passenger seats (except as the law otherwise provides in relation to London-type taxis).
- The vehicle should contain portable 1litre foam or dry powder 1Kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard and should be mounted in a convenient position in the vehicle. The extinguisher shall be marked with the licence number.
- A First Aid Kit complying with the Health and Safety (First Aid) Regulations 1981 must be carried in the vehicle. The kit shall be marked with the vehicle licence number
- The vehicle must be maintained to a high standard of appearance to the complete satisfaction of the Council, throughout the term of the vehicle licence and be kept in the condition stated in the Standards for conditions of appearance of a hackney carriage vehicle.
- No alteration or change of in specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the Licence is in force.

#### **2. Hackney carriage occupancy plate**

The vehicle shall have a hackney carriage occupancy plate (which is not the same as the hackney carriage vehicle licence disc) owned by the Council, but provided at the licensee’s expense, which shall display the following:

- the number of the licence granted in respect of the vehicle;
- the maximum number of passengers that the vehicle can carry;
- the expiry date of the licence granted in respect of the vehicle;
- the words “Three Rivers District Council hackney carriage”;
- the vehicle registration number of the hackney carriage it is assigned to, and
- any other information that the Council considers necessary.

The plate shall be securely fixed to the rear of the vehicle using a purposely made bracket at all times provided free of charge on issue and for a fee at any other time). If this is not suitable or practicable, the plate shall be securely and permanently fixed to the rear of the vehicle, on or above the bumper by the use of screws or bolts, and be clearly visible. A magnet will not be considered securely fixed for the purposes of this condition. The licensee shall ensure the plate is kept clean and is not wilfully or negligently concealed from public view whilst the vehicle is licensed.

The licensee shall ensure that the vehicle at all times throughout the period of licence, has this plate exhibited in the manner described above.

In the event of revocation or suspension and on the service of a notice under section 58, of ‘the 1976 Act’ or upon expiry of the licence, the licensee shall return the said plate to the Council’s licensing office within seven days.

The plate can be removed by the licensing officer or Police officer for reasons of gathering evidence under the Police and Criminal Evidence Act 1984 and will be returned when a photocopy of the plate is made.

#### **3. Hackney Carriage Internal Plate**

The vehicle shall for identification purposes be required to have a hackney carriage internal plate issued by the Council. The hackney carriage internal plate shall display:

- the number of the licence granted in respect of the vehicle;
  - the maximum number of passengers that the vehicle can carry;
  - the expiry date of the licence granted in respect of the vehicle;
  - the words "Three Rivers District Council Hackney Carriage";
  - the vehicle registration number of the hackney carriage it is assigned to, and
  - any other information that the Council considers necessary.
- The hackney carriage internal plate shall be displayed in the front of the vehicle in such a position that it shall be clearly visible from both the inside and the outside of the vehicle. The licensee shall ensure that it is not wilfully or negligently concealed from public view.
  - The licensee shall ensure that no person uses or permits the use of the vehicle unless the hackney carriage internal plate issued is exhibited in the manner described under these conditions.
  - In the event of revocation or suspension and on the service of a notice under sections 58, 60 or 68 of 'the 1976 Act' or upon expiry of the licence, the Licensee shall return the said disc to the Council's licensing officer within seven days.

#### **4. Taximeter**

All hackney carriage vehicles shall be fitted with a taximeter installed by an authorised taximeter company and so constructed, attached, and maintained as to comply with the following requirements:

- All new hackney carriage vehicles shall require a calendar-controlled tariff taximeter;
- 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 meter;
- Such key, flag or other device shall be capable of being locked in such a position indicating that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- 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 licensee or driver is entitled to demand and take for hire of the vehicle by distance in pursuance of the table of fares made by the Council in that behalf;
- 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;
- 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 vehicle, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- The taximeter shall 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 the request of the hirer;
- The taximeter shall have connected thereto a roof sign bearing the words "TAXI" in accordance with paragraph 12 below and such sign shall be plainly visible and legible to persons wishing to hire the vehicle and for that purpose it shall be capable of being suitably illuminated when the vehicle is plying or standing for hire;
- The taximeter and all its fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;
- When the vehicle is standing or plying for hire or returning from another district the key flag or other device fitted with the taximeter shall be locked in the position in which no fare is recorded on the face of the taximeter;

- Before beginning a journey for which a fare is to be charged for distance and time, the taximeter should be brought into action so that the word "HIRED" is legible on the face of the taximeter and the taximeter should be kept on until the hiring has terminated;
- The Licensee shall ensure that the taximeter and its fittings will be sealed by the installer, and are not tampered with;
- The taximeter shall be calibrated and sealed by the taximeter company at first installation and then within 1 month of any change to the Table of Fares, or when directed by the Head of Regulatory Services, any authorised officer or Police officer to submit to calibration and testing of the Taximeter by a Taximeter installer. A calibration certificate stating that the taximeter is calendar controlled and conforms to the Three Rivers District Council Table of Fares would be required in each of the above cases.

### **5. Signs etc.**

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises tobacco, alcohol, a sex shop or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the relevant officer

### **6. Roof signs**

The minimum sign dimensions for roof signs are 26cm wide 13cm deep and 11cm high, there are no maximum measurements. The word taxi only in black capital letters is to be clearly legible on the front and rear side of the roof sign. The front of the sign must be white and the back red or white.

The sign must be illuminated when plying or available for hire during the hours of darkness and must be linked to the taximeter so that when a fare is being carried, the roof sign is not illuminated.

No roof signs other than that prescribed in this condition will be permitted.

### **7. Passengers**

The licensee shall not:-

- Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the hirer convey or permit to be conveyed any other person in the vehicle
- Allow to be conveyed in the front of the vehicle:
- Any child below the age of three years
- More than one person above the age of three years
- An infant in arms

The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle

### **8. Alteration of vehicle**

No alterations in the specification, design or appearance of the vehicle shall be made without the written approval of the licensing officer while the licence is in force.

### **9. Records of vehicle use**

Where more than one licensed driver has use of the hackney carriage, the licensee shall ensure that a record of usage is kept for the vehicle. This record shall include the name of the driver, the date of usage, and the start and end times of the individual's usage. It shall be kept inside the vehicle at all times, and made available to an authorised officer upon request.

### **10. Transfer of vehicle**

If the licensee wishes to transfer his/her interest in the vehicle to a person they shall within 7 working days inform the Council, specifying the name and address of the person to whom the vehicle is being transferred.

The Council reserves the right to refuse to grant a licence to any person to whom a hackney carriage vehicle is transferred

Under no circumstances may the new owner use the vehicle as a licensed vehicle until the licence has been transferred to that person and all documentation and any necessary fees paid.

### **11. Accidents and damage to the vehicle**

The licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident using the form issued by the Council. In the interests of public safety the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council.

The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer or a new compliance certificate has been obtained where appropriate as considered by the Council on receipt of the reported details of the incident.

### **12. Insurance and road fund licence**

All hackney carriage vehicles must be licensed and insured for public hire use. The insurance must include legal liability for both passengers and luggage, and proof of insurance must be submitted with each application. If the insurance expires during the term of the licence, a new cover note or certificate of insurance must be produced to the licensing team.

A certificate of insurance must be provided to the authorised officer within 7 days of any such request.

### **13. Lost property**

The Licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein.

The licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be, taken to a police station within 48 hours of it being found.

### **14. Table of fares**

The licensee shall ensure a copy of the tables of fares as determined by the Council to be fixed inside the vehicle. The table of fares should be clearly readable by the passenger.

### **15. Change of address and personal details**

The licensee shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change-taking place. This shall include, name, address, telephone/mobile numbers and e-mail address.

### **16. Proprietor to hold driver's licence**

Before the licensee permits or employs another person to drive the vehicle as a hackney carriage, he shall, have retained a copy of the hackney carriage driver's licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the licensee shall return the hackney carriage driver's licence to the driver.

The licensee/proprietor must also ensure the driver holds a current DVLA driving licence in respect of the number of passengers authorised on the vehicle licence/plate.

### **17. Copy of vehicle licence conditions**

The licensee shall ensure a copy of the vehicle licence conditions are maintained in the vehicle and makes them available for inspection by any authorised officer, the hirer or any passenger on request.

### **18. Validity inspections**

Any authorised officer of the council or a Police constable shall have power at all reasonable times, to inspect and test for the purpose of ascertaining its fitness any hackney carriage or any taximeter fixed to such vehicle and to serve notice to require further inspection and testing if not so satisfied.

### **19. Convictions and cautions**

The licensee shall, within 72 hours, disclose to the licensing officer in writing if they or any of their drivers are arrested, cautioned, or convicted of any offence (including motoring offences) during the period of this licence. A representative must fulfil this obligation if the licensee is detained by the police. Fixed penalty notices must be declared when received not when the DVLA driving licence is updated.

The licensee shall ensure that any licensed driver employed by them in any capacity is made aware that they are required to disclose all the information contained in point (16) above to the vehicle licence-holder during their period of employment.

If the licensee is a company or partnership section (16) applies equally to all directors or partners



The licensee shall make his or her DVLA driving licence available for inspection by an authorised officer of the Council or a police officer upon request.

#### **20. Taxi ranks and stands**

Hackney carriages will operate from authorised ranks or stands, including “shared” stands or ply the carriageway for hire or can be pre-booked.

#### **21. Giving of information**

Every proprietor shall within 7 days furnish on request the details, of any person who was authorised to drive the vehicle, to an authorised officer or to a Police officer. The details would include the name and address of the person.

#### **22. Assistance dogs**

All hackney carriage vehicle drivers are required to comply with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) to carry assistance dogs assisting disabled persons and to do so without charge. Holders of exemption certificates must display the certificate in a prominent position.

It is an offence to refuse to carry a guide or assistance dog.

#### **23. Smoking**

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

#### **24. CCTV in vehicles**

The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the Council. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in the hackney carriage and private hire licensing policy.

#### **25. Appeals procedure**

Any person aggrieved by any conditions specified in this licence may appeal to the Magistrates' Court within 21 days of the decision being made.

#### **26. Standards for conditions of appearance of a hackney carriage vehicle**

The vehicle must comply with the following:

- (a) **External advertising:** Not more than two external advertisements (excluding the roof signs) may be carried on any vehicle, confined to the side panels and must comply with the Advertising Standards Authority code of advertising.  
Although minor blemishes should not constitute a failure, the following general criteria should be followed:
- (b) **Rust:** Any vehicle presented should be free from any significant areas of visible rusting and any vehicle with visible rust patches should be failed.
- (c) **Dents:** Any vehicle with dents on one or more panels where such dents are more than 5cm in diameter/length should be failed.
- (d) **Scratches:** Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5cm in length, or a single scratch of more than 20cms in length, should be failed.
- (e) **Paintwork:** All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures.
- (f) **Seats:** In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regulations 2002. All seats, including the driver's, must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter.
- (g) **Carpets/floor covering:** all carpets and floor covering shall be complete and free from cuts, tears, staining and soiling.
- (h) **Headlining and other trim:** All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling.

- (i) **Boot/luggage compartment:** This should be empty, except for spare wheel, essential tools and first aid kit, (to comply with Health and Safety and First Aid Regulations. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- (j) **Interior:** The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish.
- (k) **Vehicle emissions:** The vehicle must comply with the Motor Vehicle (Emission Test) Regulations.
- (l) **All glazing:** All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75%, Front Side Windows 70%, All other Windows 30%. The lower the number, the darker the tint.
- (m) **Colour:** All approved vehicles must be painted their original colour.
- (n) **Mirrors:** Either two wing mirrors or two door mirrors must be fitted, one on each side of the vehicle, so as to afford the driver adequate vision to the rear. Additional mirrors may be fitted, but not in such a position s to obstruct the driver's clear view of the two mirrors required by this condition.

## **27. Fees**

The fees payable for Licences and other charges described in these conditions will be in accordance with the scale approved by the Council from time to time.

## **28. Byelaws**

The vehicle will also be subject to compliance with such Byelaws relating to hackney carriages that are in force within the Three Rivers District.

## **Conditions relating to Private Hire Vehicles**

### **Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)**

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

- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept on the vehicle
- The vehicle must be maintained throughout the term of the vehicle licence, to a high standard of appearance to the complete satisfaction of the Council, and kept in the condition stated in the Standards for conditions of appearance of a Private Hire vehicle.
- All seats, front and rear must be fitted with seat belts.
- The Council’s licensing officer may direct the vehicle to be inspected in accordance with the Certificate of Compliance at a specific testing station.
- The vehicle should contain a portable dry powder 1Kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard, and should be mounted in a convenient position in the vehicle. The extinguisher shall be marked with the Private Hire vehicle licence number.
- A first aid kit complying with the Health and Safety (First Aid) Regulations 1981 conforming to BS 8599-2 should be carried in the vehicle. The kit is to be marked with the private hire vehicle licence number.
- The licence-holder shall provide and maintain a suitable replacement bulb kit as to conform to the vehicle manufacturer’s specifications.

#### **1. Private Hire Occupancy Plate**

1.1 The vehicle shall have an occupancy plate, (which is not the same as the Private Hire Vehicle interior plate), owned by the Council, but provided at the Licensee’s expense, which shall display the following:

- the number of the licence granted in respect of the vehicle;
- the maximum number of passengers that the vehicle can carry;
- the expiry date of the licence granted in respect of the vehicle;
- the words “Three Rivers District Council Private Hire”;
- the vehicle registration number of the Private Hire it is assigned to, and
- any other information that the Council considers necessary.

1.2 The plate shall be securely fixed to the rear of the vehicle using a purposely made bracket at all times provided free of charge on issue and for a fee at any other time). If this is not suitable or practicable, the plate shall be securely and permanently fixed to the rear of the vehicle, on or above the bumper by the use of screws or bolts, and be clearly visible. A magnet will not be considered securely fixed for the purposes of this condition. The Licensee shall ensure the plate is kept clean and is not wilfully or negligently concealed from public view whilst the vehicle is licensed.

- The Licensee shall ensure that the vehicle at all times throughout the period of licence has this plate exhibited in the manner described above.
- In the event of revocation and on the service of a notice under section 58 of the 1976 Act or upon expiry of the licence, the licensee shall return the said plate to the council’s licensing officer within seven days.
- The plate can be removed by the licensing officer or Police officer for reasons of gathering evidence under the Police and Criminal Evidence Act 1984 and will be returned when a photocopy of the plate is made.

#### **2. Private Hire Internal Plate**

The vehicle shall for identification purposes be required to have a private hire internal plate issued by the Council.

2.1 The private hire internal plate shall display:

- the number of the licence granted in respect of the vehicle;
- the maximum number of passengers that the vehicle can carry;

- the expiry date of the licence granted in respect of the vehicle;
- the words “Three Rivers District Council Private Hire”;
- the vehicle registration number of the Private Hire it is assigned to, and
- any other information that the Council considers necessary.

2.2 The private hire internal plate shall be displayed in the front of the vehicle in such a position that it shall be clearly visible from both the inside and the outside of the vehicle. The licensee shall ensure that it is not wilfully or negligently concealed from public view.

2.3 The licensee shall ensure that no person uses or permits the use of the vehicle unless the Private Hire internal plate issued is exhibited in the manner described under these conditions.

2.4 In the event of revocation or suspension and on the service of a notice under sections 58, 60 or 68 of ‘the 1976 Act’ or upon expiry of the licence, the Licensee shall return the said disc to the Council’s licensing officer within seven days.

### **3. Signs etc.**

3.1 No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises tobacco, alcohol, a sex or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer.

3.2 No signs or advertising containing the word “taxi” will be permitted on any Private Hire vehicle.

3.3 A roof sign is not permitted.

### **4. Private Hire Door Stickers Signs**

4.1 As directed by the Council, the proprietor shall cause to be a fixed and maintained to the exterior of the vehicle a prescribed door sticker bearing the word “Private Hire – Advance Bookings Only” on the rear driver and passenger doors. The sign shall also include the vehicle plate number and the Three Rivers Logo on a green background.

### **5. Dispensation/Exemption**

5.1 Vehicles issued with a dispensation certificate in line with the Three Rivers hackney carriage and private hire policy are exempt from displaying a vehicle occupancy plate and door stickers, but are still required to display the internal licence plate.

5.2 Where the use of vehicles changes during the period that the vehicle is licensed, the Licensing team must be informed so dispensation can be removed. If dispensation is removed, the exemptions that this provided will no longer relate to that vehicle.

### **6. Passengers**

6.1 The licensee shall not:-

- Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the hirer convey or permit to be conveyed any other person in the vehicle
- Allow to be conveyed in the front of the vehicle:
- Any child below the age of three years
- More than one person above the age of three years
- An infant in arms.

6.2 The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

### **7. Alteration of vehicle**

7.1 No alterations in the specification, design or appearance of the vehicle shall be made without the written approval of the licensing officer.

### **8. Transfer of the vehicle**

8.1 If the licensee wishes to transfers his/her interest in the vehicle to a person he or she shall within 14 days submit the relevant application to the licensing team, specifying the name and address of the person to whom the vehicle is being transferred.

8.2 The Council reserves the right to refuse to grant a licence to any person to whom a private hire vehicle is transferred.

### **9. Accidents and vehicle damage**

9.1 The Licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 which MUST be in writing by way of TRDC's accident form.

In the interests of public safety, the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer.

9.2 The licensee shall report any damage materially affecting the safety, performance or appearance of the vehicle to the authorised officer within 72 hours of the vehicle being damaged. Should a Section 60 or 68 notice be issued the licensee shall ensure that no further bookings are undertaken until the vehicle has passed a compliance test and the certificate issued has been provided to the Council.

### **10. Insurance**

10.1 All private hire vehicles must be licensed and insured for private hire use. Such insurance must be comprehensive, continuous and include full legal liability for passengers and luggage. Proof of insurance must be submitted with each application for a licence and, where it expires during the term of the licence, a new certificate or cover note must be supplied to the Licensing team.

10.2 If a vehicle is temporarily removed from use as a Private Hire Vehicle, the licensee, on notification must return the internal and external plates to the licensing Officer. The vehicle can be temporarily removed from the public highway and its use as a private hire vehicle, thus removing the need to insure and document the vehicle for that period. The vehicle must not be used for private use during this time.

10.3 A certificate of insurance must be provided to the relevant officer within 7 working days of any such request.

### **11. Lost property**

11.1 The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein.

11.2 The licensee shall ensure that any property accidentally left, or found or handed to him or her in the vehicle will be, taken to a police station within 48 hours of it being found.

### **12. Change of address and personal details**

12.1 The licensee shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change-taking place. This shall include, name, address, telephone/mobile numbers and email address.

The owner of the private hire vehicle must also provide a new V5 registration document and insurance documents showing the new address details.

### **13. Proprietor to hold driver's licence**

13.1 Before the licensee permits or employs another person to drive the vehicle as a private hire, he shall, have retained a copy of the drivers licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the licensee shall return the drivers licence to the driver.

13.2 The licensee/ proprietor must also ensure the driver holds a current driving licence in respect of the number of passengers authorised on the vehicle licence/plate.

### **14. Copy of vehicle licence conditions**

14.1 The licensee shall ensure a copy of the vehicle licence conditions are maintained in the vehicle and makes them available for inspection by any authorised officer, the hirer or any passenger on request.

### **15. Validity inspections**

15.1 Any authorised officer of the Council or a police constable shall have power at all reasonable times to inspect and test for the purpose of ascertaining its fitness any private hire vehicle and to serve notice to require further inspection and testing if not so satisfied.

#### **16. Notification of Convictions, Cautions and Arrest**

16.1 The licensee shall immediately (within 72 hours) disclose to the licensing officer in writing if they or any of their drivers are arrested, cautioned, or convicted of any offence (including motoring offences) during the period of this licence. A representative must fulfil this obligation if the licensee is detained by the Police. Fixed penalty notices must be declared when received not when the DVLA driving licence is updated.

16.2 The licensee shall ensure that any licensed driver employed by them in any capacity is made aware that they are required to disclose all the information contained in point (i) above to the vehicle licence holder during their period of employment.

16.3 If the licensee is a company or partnership section (i) applies equally to all directors or partners

16.4 The licensee shall make his or her DVLA driving licence available for inspection by the operator, the authorised officer or a police officer upon request.

#### **17. Residential qualification**

17.1 The operator of any Private Hire Vehicle must reside or maintain an office within the area of the Three Rivers District Council for a period of the licence.

#### **18. Private Hire Vehicles Must Not Operate From Taxi Ranks and Stands**

18.1 Private hire vehicles must not operate from hackney carriage ranks or stands or ply the carriageway for hire. All fares must be pre-booked.

18.2 Private hire vehicles must not wait or park on the public highway within 75 metres of an authorised rank.

#### **19. Giving of information**

19.1 Every proprietor shall within 7 days furnish on request the details, of any person who was authorised to drive the private hire vehicle, to an authorised officer or to a police officer. The details would include the name and address of the person.

#### **20. Assistance dogs**

20.1 All hackney and private hire vehicle drivers are required to comply with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) requiring them to carry assistance dogs assisting disabled persons and to do so without charge. Holders of exemption certificates must display the certificate in a prominent position.

20.2 It is an offence to refuse to carry a guide or assistance dog.

#### **21. Smoking**

21.1 It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006.

21.2 The Council requires that an international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

#### **23. CCTV in vehicles**

23.1 The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the Council. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in the hackney carriage and private hire licensing Policy.

## Standards for Conditions of Appearance of a Hackney Carriage or Private Hire Vehicle

1. Although minor blemishes should not constitute a failure, the following general criteria should be followed. The vehicle must comply with the following:-

- (a) **Rust:** Any vehicle presented should be free from any significant areas of visible rusting. Any vehicle with visible rust patches should be failed.
- (b) **Dents:** Any vehicle with dents on one or more panels where such dents are more than 5 cm in diameter/length should be failed.
- (c) **Scratches:** Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5 cm in length, or a single scratch of more than 20cms in length, should be failed.
- (d) **Paintwork:** All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures.
- (e) **Seats:** In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicles (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter.
- (f) **Carpets/floor covering:** All carpets and floor covering shall be complete and free from cuts, tears, staining and soiling
- (g) **Headlining and other trim:** All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling.
- (h) **Boot/luggage compartment:** This should be empty, except for spare wheel, essential tools and first aid kit, (to comply with Health and Safety and First Aid Regulations). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- (i) **Interior:** The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish.
- (j) **Vehicle emissions:** The vehicle must comply with the Motor Vehicle (Emission Test) Regulations.
- (k) **Glazing:** All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front windscreen 75, front side windows 70, all other windows 30. The lower the number the darker the tint. Exceptions may be made for limousines

## 2. Appeals procedure

2.1 Any person aggrieved by any conditions specified in this licence may appeal to the Magistrates' Court within 21 days of the decision being made.

## Non-standard private hire vehicle conditions for stretched limousine, and novelty vehicles

### Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)

#### 1. General

- 1.1. A limousine, or other novelty vehicle capable of carrying no more than 8 passengers for hire or reward is a private hire vehicle, and all other interpretations, policies and conditions relevant to licensed private hire vehicles also apply, except where described below:-
- 1.2. For the purposes of this policy and licence conditions, a stretched limousine is defined as a luxurious vehicle that has been modified (stretched) to extend the length of the vehicle. The stretch shall not exceed 120 inches (measured between the rear edge of the front door and the front edge of the rear door). The vehicle shall be capable of carrying up to, but not exceeding eight seated passengers. Each passenger seating area will be at least 400mm wide.
- 1.3. For the purposes of this policy, a novelty vehicle shall be defined as follows:-
  - a) any vehicle that has been specially constructed, adapted or converted by a low volume specialist vehicle manufacturer or modifier;
  - b) any vehicle that has been specially modified from its original design specification;
  - c) that is capable of carrying up to but not exceeding 8 passengers;
  - d) vehicles intended for the carriage of fare-paying passengers that, prior to the introduction of this policy/conditions, would not be licensed by the authority as a private hire vehicle because they did not comply with one or more of the standard conditions relating to private hire vehicles
  - e) any vehicle that, in the opinion of the licensing officer, because of its specialist design/styling or origin or age is required to be classed as a Novelty Vehicle.

#### 2. Age of vehicle

- 2.1 Stretch limousines and other novelty vehicles are not subject to an age limit and will be licensed provided the vehicle presented meets all of the Council’s other criteria in terms of appearance and maintenance.

#### 3. Licence plates

- 3.1. The vehicle licence plate must be kept in the boot of the vehicle at all times whilst the vehicle is licensed as a private hire vehicle. The internal plate must be displayed in the front windscreen at all times so that the details are clearly visible.

#### 4. Driver

- 4.1. Only a licensed private hire driver is permitted to drive the vehicle whilst it is licensed. The driver must ensure that they wear or clearly display their Council-issued identity badge in a prominent position at all times whilst working or driving the vehicle.
- 4.2. The driver shall at all times be clean and respectable in their dress and behave in a civil and orderly manner.

#### 5. Signs etc.

- 5.1. No sign, notice, advertisement or emblems shall be used or displayed on, in or from the vehicle other than those legally required, those contained within these conditions, or any authorised company details.
- 5.2 Approval of the type of advertising should be sought from the Licensing team and written authorisation must be obtained prior to use. No signs or advertising containing the word “taxi” or “cab” will be permitted on any private hire vehicle.

#### 6. Application Procedure

- 6.1 In relation to stretch limousines and novelty vehicles the following must be provided on application (this is in addition to the requirements for a standard Private Hire vehicle):
  - a) Single vehicle approval certificate



- b) Documentation to confirm the overall weight of the vehicle
- c) The vehicle identification number (VIN) plate must display '1L1' to confirm that the conversion has been completed by an authorised dealer. This will be confirmed by inspection prior to any licence being issued.
- d) Completed importation document (where applicable)
- e) V5 vehicle registration

The licence shall remain in force for one year.

## **7. Passengers and passenger safety**

1. The proprietor shall not permit the limousine/novelty vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.
2. Passengers will not be carried in the front of the vehicle.
3. All passengers must remain seated at all times when the vehicle is in motion.
4. The proprietor of the vehicle must:
  - i) Provide sufficient means by which any person in the vehicle may communicate with the driver;
  - ii) Ensure that the interior of the vehicle is kept wind and watertight.
  - iii) Ensure that the seats in the passenger compartment are kept properly cushioned and covered;
  - iv) Ensure that the floor in the passenger compartment is provided with a proper carpet, mat or other suitable covering;
  - v) Provide at least two doors for use of persons conveyed in limousine/novelty vehicle and a separate means of ingress and egress for the driver;
  - vi) Ensure that the interior and exterior of the limousine/novelty vehicle is kept in a clean condition;
  - vii) Ensure that seatbelts are fitted to all forward and rear-facing seats and, in accordance with Construction and Use Regulations, where seat belts are fitted they must be worn by passengers at all times when the vehicle is in motion;
  - viii) Ensure that no seat is required to be moved to allow any passenger to enter or exit the vehicle;
  - ix) Ensure that an approved first aid kit will be carried in the vehicle at all times;
  - x) Report to the Council any alteration in the design of the vehicle, whether to the machinery or to the body. The Council may require the proprietor to submit the vehicle for further examination.

## **8. Interior lighting**

8.1 There shall be maintained in the vehicle adequate internal lighting to enable passengers to enter and leave the vehicle with safety.

## **9. Maximum stretch**

9.1 The maximum length of a limousine "stretch" shall not exceed 120 inches [3048 millimetres].

## **10. Left and right hand drive vehicles**

10.1 Both left- and right-hand drive vehicles will be considered for licensing as private hire vehicles.

## **11. Tyres and road wheels**

11.1 The vehicle shall be equipped with a minimum of 4 road wheels and 1 full-sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer and not more than 10 years old. Vehicles with a 'space-saving' wheel are to comply with the manufacturer's specifications as to use. When so used, the vehicle must **not** be used for plying for hire, or private hire. Any change in the type or size of the tyres fitted to the vehicle must be reported to the licensing officer at once.

Tyres must have a minimum tyre tread depth of 3 mm over the central 3/4 of the tread pattern (including spare tyre).

## **12. Windows**

12.1 The front windscreen shall allow a minimum level of 75% light transmittance and the front driver and passenger windows shall allow a minimum level of 70% light transmittance.

## **13. Decommissioned vehicle markings**

13.1 Novelty Vehicles based on decommissioned Military or Emergency Response vehicles must have all official marking or lights removed. Any colour scheme must be of a contrast to the original colour scheme and to that of any previous or current military or emergency response vehicles.

## **14. Roof racks**

14.1 A roof rack or any other device for storing luggage shall not be installed or maintained on any part of the vehicle except with the approval of the Council.

## **15. Exemption notice for displaying a licence plate / door stickers**

15.1 A certificate exempting the vehicle from displaying a licence plate and Council-issued door stickers will be issued by the Council. This certificate must be carried in the vehicle at all times and be available for inspection on request by an authorised officer of the Council or a Police constable.

## **16. Insurance**

16.1 The Council will require proof that the vehicle is insured during the period of the licence and, on request by an authorised officer, the proprietor shall produce within 5 working days a current insurance certificate/cover note for private hire purposes. Failure to produce proof of insurance as detailed above may result in the suspension of the licence.

16.2 The proprietor is advised that they should, following the expiry of an insurance certificate/cover note, provide a current insurance policy to the Council

## **17. Alcohol**

17.1 Alcoholic drinks provided in the vehicle shall be available only under the terms of an appropriate licence relating to the sale and supply of alcohol.

17.2 Alcohol shall only be consumed while the vehicle is stationary and the bottle shall immediately afterwards be placed in a secure receptacle.

17.3 If all of the passengers are below the age of 18, there shall be no alcohol in the vehicle for consumption or otherwise.

17.4 Any glassware used in the vehicle must be made of shatterproof glass or plastic.

## **18. Licensing Act 2003**

18.1 The driver shall not play or permit the performance of any media that, given its age classification or content, are unsuitable for the age of the passengers in the vehicle.

18.2 The limousine operator shall ensure that a performing rights licence is held where appropriate.

18.3 A Premises Licence will be required for the provision of any form of regulated entertainment within the scope of the Licensing Act 2003 when the vehicle is parked.

## **19. Vehicle condition**

19.1 The vehicle shall be maintained in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

19.2 The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

## **20. Driver and operator licensing requirements**

20.1 In addition to the limousine being licensed as a private hire vehicle with Three Rivers District Council, the limousine operator is required to hold a private hire operator's licence with Three Rivers District Council.

20.2 All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator. Once licensed as a private hire vehicle the limousine can only be driven by a licensed private hire driver who is also licensed by Three Rivers District Council.

20.3 Details in respect of applications for private hire drivers' licences and private hire operators' licences can be obtained from the Licensing team.

## **21. Rights of appeal**

21.1 The Local Government (Miscellaneous Provisions) Act 1976 sections 48 and 77 detail an applicant's right of appeal. In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a private hire vehicle licence or by any conditions imposed on a private hire licence the applicant has a right of appeal to Magistrates' Court within 21 days of the applicant being notified of the Council's decision.

## **22. Vehicle testing stations**

22.1 Licensed stretch limousines must be submitted for testing at six-monthly intervals, to the appropriate Class MOT standard from a testing station nominated by the Licensing team.

## Conditions relating to Private Hire Operators

### Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)

#### 1. General

An operator makes provision for the invitation or acceptance of bookings for a private hire vehicle.

Any legislative requirement shall be regarded as if they are conditions of the Private Hire Operator’s Licence. In determining what matters should be considered for a person to be a Fit and Proper Person to be an operator the following applies

#### 2. Fit and proper person

Private hire operators must be fit and proper persons. A fit and proper person is defined in the hackney carriage and private hire policy.

#### 3. Details of current drivers

A list of all current drivers and vehicles representing your company must be submitted as part of the renewal.

#### 4. Duration of private hire operator’s licence

The standard period that a licence shall remain in force is for a period of five years from the date of issue.

No licence will be issued for a period longer than the standard five-year period, but if an applicant wishes to be considered for a licence with a shorter duration, this request must be put in writing at the time of application. These requests will be considered on a case by case basis.

An operator’s licence on renewal may be issued for a probationary period determined by the Council less than the standard five years, dependant on the applicant’s ability to demonstrate being a fit and proper person. Items that could be considered would include, criminal record, references, past allegations, record of compliance with the conditions, outstanding fees and any other reasonable cause.

#### 5. Basic disclosure check

The authorised officer can make random checks. This will require a basic disclosure application form to have been submitted online or an enhanced disclosure certificate ([GBG](#)), or if the driver has signed up to the ‘update service’.

#### 6. Convictions and cautions

Convictions and cautions will be considered in accordance with the hackney carriage and Private Hire Policy.

In order to ensure protection of the public an operator must ensure disclosure to a relevant officer within 72 hours in writing if they are arrested, cautioned, convicted or have any involvement with the Police regarding any offence during the period of their licence. Should knowledge of any offences be withheld, this could reflect on a person’s fitness to be a Private Hire Operator and may lead to a licence being suspended. If the operator licence is held by a company or partnership, the requirements of this section apply equally to all directors and partners.

#### 7. Record of bookings

The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable written or electronic form approved by the Council, provided at nominal cost by the Council, or on a spreadsheet provided by the Council, or on a nationally recognised piece of computer software. This software must be capable of providing the information listed below. The entries must be numbered consecutively, and no pages should be removed. The operator shall enter the required information for each booking invited or accepted by him, before the commencement of each journey.

- The time and date of the booking
- The name and address of the hirer
- How the booking was made (i.e. by telephone, personal call etc.)
- The time of pick-up
- The point of pick-up
- The destination
- The time at which a driver was allocated to the booking
- The name of the driver and the registration number of the vehicle allocated for the booking.

- Remarks (including details of any sub-contract).

All records kept by the operator shall be preserved for a period of not less than 18 months following the date of the last entry. In the case of computer records, the entries must be capable of being printed on demand at the request of a Police officer or the licensing officer. All records must be available for inspection and copying if required by licensing officer or Police officer.

### **8. Standard of service**

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

- (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 purpose of booking or waiting;
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities;
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

**NB: Planning approval, where required, must be obtained for any premises used for operating Private Hire business**

### **9. Complaints**

The operator shall notify the Council in writing within 72 hours of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

### **10. Address**

The operator must live or maintain an office within the Three Rivers District Council area for the period of the licence. The operator shall within 7 days, notify the Council in writing of any change of address during the period of the licence. A further application will be required for the new premises. Any premises used solely for work purposes are required to be smoke-free.

### **11. Advertisements**

The Operator shall not cause any advertisement in respect of his / her business or the vehicles used for that purpose to include the words 'taxi' or 'cab', whether in the singular or plural, or any such other words that may be similar in meaning or appearance to either of those words, whether alone or as part of another word(s).

The Operator shall ensure that Private Hire Vehicles that he/she operates does not display any roof sign. This is due to the fact that a Private Hire Vehicle must not be of a design or appearance of a Hackney Carriage.

Only licensed vehicles may carry advertisements in relation to the private hire operator and any such advertisements must be submitted to and approved by the Licensing Officer at the Council prior to being used. Only the private hire operator business name and telephone number will be allowed. In addition to this requirement, it is recommended that an advertisement bear the words 'Advanced Booking Only' or 'Must be Pre-Booked'.

### **12. Conduct**

The operator of a private hire vehicle shall not by calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

### **13. Record of vehicles etc.**

In accordance with the provisions of Section 56(3) of the 1976 Act the operator shall keep a record in a bound volume of all private hire vehicles operated by him and such record shall include the following particulars:

- The registration mark of each vehicle
- The make of the vehicle

- The name and address of the registered keeper
- The names, addresses and driver's licence numbers of drivers driving the vehicles
- Details of any radio call sign used

Such records shall be retained for a period of 18 months, and shall not be destroyed or otherwise disposed of before the expiry of such period without the previous written consent of the Council.

#### **14. Fares and fare table**

The operator upon request shall agree the fare for a journey booked, or provide an estimate of the fare, or explain that the journey will be metered.

Should the operator dispatch a vehicle with a taximeter, they shall ensure that the meter is calibrated to the tariff of fares published by Three Rivers District Council, and that the published table of fares is clearly displayed in the vehicle. The operator shall ensure that the fare for such bookings does not exceed the rate on the meter.

#### **15. CCTV in vehicles**

The operator shall ensure that they retain a copy of the CCTV authorisation certificate from Three Rivers District Council for any vehicle containing a CCTV system. No vehicle is to contain facilities to record visual or audio sources without the vehicle licence-holder holding a certificate of authorisation from the Council.

#### **16. Operator to hold driver's licences**

Before the operator permits or employs another person to drive a licensed private hire vehicle, he shall have retained a copy of the driver's private hire driver's licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the licensee shall return the private hire driver's licence to the driver.

The licensee/proprietor must also ensure the driver holds a current driver's licence in respect of the number of passengers authorised on the vehicle licence/plate.

The operator shall notify the Council within 7 days of the details of any driver no longer working for them.

#### **17. Disposal and acquisition of vehicles**

When an operator ceases to operate a particular vehicle or begins to operate a new vehicle, they shall inform the Council in writing as soon as possible but not later than within 7 days of such fact.

#### **18. Condition of vehicle**

The operator shall ensure that any private hire vehicle operated by him (regardless of who owns the vehicle or holds the vehicle licence) is maintained in the condition required by the private hire vehicle licensing conditions or hackney carriage vehicle licensing conditions. The operator will ensure the vehicle is maintained in a suitable mechanical condition, safe, comfortable, clean and presentable and that the external licence plate and internal licence disc provided by the Council is affixed to the vehicle in such a manner and position as shall be prescribed by the Council.

#### **19. Compliance with legislation**

Operators, where applicable, must comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the byelaws made in respect of hackney carriages and conditions relating to the private hire driver's licence. They shall also ensure compliance with Section 37 of the Disability Discrimination Act 1995 and the Equality Act (2010) in respect of assistance dogs.

#### **20. Smoking**

Operators must ensure that all vehicles dispatched by them display appropriate signage inside the vehicle in accordance with the Health Act 2006.

The Council requires that an international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

#### **21. Insurance**

The licensee shall ensure that any vehicle they dispatch is covered by valid insurance for the purposes of private hire, and shall ensure that they do not act in any way which might invalidate the insurance.

The licensee shall where applicable maintain and provide evidence of Employer's Liability Insurance upon request in accordance with the Employer's Liability Compulsory Insurance Act 1969.

In the case where members of the public have access to the operating centre, the licensee shall maintain at all times and provide evidence of Public Liability Insurance upon request.

**22. Appeals procedure**

Any person aggrieved by any conditions specified in this licence may appeal to the Magistrates' Court within 21 days of a decision being made.