



South Cambridgeshire District Council

Hackney Carriage and Private Hire Licensing Policy

January 2020

Contents

Contents

1.	Introduction.....	5
1.1	Definitions	5
1.2	Policy Purpose, Status and Scope	8
1.3	Consultation and Revision.....	10
1.4	Implementation.....	10
1.5	The Licensing Regime – General Overview	10
1.6	Information Sharing.....	12
1.7	National Register of Refusals and Revocations	12
1.7	Decision Making.....	13
1.8	Immigration Act	14
1.9	Policing and Crime Act 2017	15
1.10	Fees	15
2	Hackney Carriage and Private Hire Drivers	16
2.1	General	16
2.2	Fit and Proper	17
2.3	Data Request/ NR3	19
2.4	Drivers Licences.....	20
2.5	Eligibility to Live and Work in the UK.....	20
2.6	References.....	21
2.7	Disclosure and Barring Service (DBS), Convictions, Cautions and other Related Matters.....	22
2.8	Overseas Criminal Record Check.....	23
2.9	DVLA.....	23
2.10	Medical Requirements	24
2.11	Driving Proficiency and Assessment Test	25
2.12	Competency Test.....	25
2.13	Safeguarding.....	26
2.14	Council Byelaws.....	27
2.15	Service Expectations.....	27
2.16	Complaints against Drivers	28
2.17	Assistance Dog Exemption Certificate	28
2.18	Environmental impacts - Idling Offence.....	28
2.19	Monitoring of Licensed Drivers – Penalty Points Enforcement System	29
2.20	Driver Application Procedures.....	29
2.21	Fees and Charges.....	29
2.22	Conditions	29
2.23	Surrender of Hackney Carriage and Private Hire Driver licence	30
2.24	Renewal of Hackney Carriage and Private Hire Driver Licence	30
2.25	Code of Conduct	30
3	Hackney Carriage and Private Hire Vehicles	31
3.1	General	31
3.2	Non-driver Proprietors.....	32
3.3	Limitation of Vehicle Numbers.....	33
3.4	Appearance.....	33

3.5	Smoking	34
3.6	External Signage and Livery	34
3.7	Age of Vehicle	36
3.8	Insurance	36
3.9	Safety Equipment.....	37
3.10	CCTV	37
3.11	Dashcams	41
3.12	Vehicle Testing.....	41
3.13	Vehicle Inspections	41
3.14	Accidents	42
3.15	Taximeters	42
3.16	Accessibility.....	43
3.17	Exemptions	44
3.18	Speciality Vehicles and Limousines	45
3.19	Private Hire Vehicle Notice of Exemption.....	45
3.20	Required Information for Passengers.....	47
3.20	Advertising	48
3.21	Contract Vehicles	48
3.22	Hackney Carriage Stands (Known as Taxi Ranks)	49
3.23	Vehicle Application Procedures.....	49
3.24	Grant of Vehicle Licences	50
3.25	Transfer of Ownership of the Vehicle	50
3.26	Environmental Considerations	51
4	Operators	54
4.1	General	54
4.2	Fit and Proper	55
4.3	Eligibility to Live and Work in the UK.....	56
4.4	Safeguarding.....	57
4.5	Application.....	58
4.6	Fees and Charges.....	58
4.7	References.....	58
4.8	Disclosure and Barring Service (DBS) Disclosures.....	59
4.9	Overseas Criminal Record Check.....	60
4.10	Suitability of Premises.....	60
4.11	Operator's Responsibilities and Obligations.....	61
4.12	Insurance	62
4.13	Cross Border Hiring.....	63
4.14	Sub-Contracting	63
4.15	Radio Systems	63
4.16	Operator's Complaint Policy.....	63
5	Enforcement	65
5.1	General	65
5.2	Compliance	66
5.3	Range of Powers.....	66
5.4	Complaints, Compliments and Comments	66
5.5	Warnings.....	66
5.6	Suspension or Revocation of a Licence	66
5.7	Refusal to grant a Licence	68
5.8	Rights of Appeal.....	68

5.9	Information and Data Sharing	68
5.10	Penalty Point Scheme	69
6	Relevance of Convictions / Cautions in Relation to Taxi Licensing	70
6.1	Introduction	70
6.2	Scope	70
6.3	Purpose	70
6.4	Licensing Legislation	71
6.5	Grant and Renewal of Licences	71
6.6	Immigration Act 2016	71
6.7	Assessment of Applications	71
6.8	Impact of Convictions, Cautions, Reprimands or Warnings	72
6.9	Right of Appeal.....	73
6.10	Updating and Repeat Checks	74
6.11	Breaches of Policy	75
6.12	Cautions and Convictions Definitions	75
	Appendix A – Code of Conduct	76
	Appendix B - Previous Convictions Policy	84

1. Introduction

1.1 Definitions

Applicant

Person or business who has submitted an application for either a grant or renewal of a licence.

Assistance Dog

- a. a dog which has been trained to guide a blind person;
- b. a dog which has been trained to assist a deaf person;
- c. a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;
- d. a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind;

Authorised Council Officer

A Council officer who is authorised by the Council to exercise powers and duties conferred by legislation.

Badge

Issued to all licensed drivers and must be worn at all times when working as a licensed driver.

Byelaws

Locally adopted laws applicable to Hackney Carriage drivers. Breach is a criminal offence.

Conditions

Conditions of licence applied by the Council to a driver's licence, an operator's licence or a vehicle licence.

Controlled District

Boundary area of a local authority which has adopted the provisions of the Local Government

(Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847.

Date of First Registration

The date of first registration on the vehicles V5 log book issued by DVLA.

DBS

Disclosure & Barring Service.

DfT

Department for Transport.

Door Signage

Council issued door signage which must be affixed to the rear doors of all licenced vehicles.

Driving licence

Full GB driving licence issued by DVLA or, EEA driving licence or, acceptable equivalent as defined by DVLA or appointed agency.

DVLA

Driver and Vehicle Licensing Agency.

DVSA

Driver and Vehicle Standards Agency (which replaced VOSA in 2014).

Fare Card

A card which must legally be displayed in Hackney Carriage vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and soiling charge and the licence plate number.

Hackney Carriage Vehicle

A vehicle licensed under the 1847 Act commonly referred to as a taxi.

ICO

Information Commissioners Office.

IoL

Institute of Licensing.

LGA

Local Government Association.

Legislation

Law which has been enacted by a legislature or other governing body.

Licensing Authority

The licensing function within South Cambridgeshire District Council.

Licensing Committee	The committee which determine licensing matters as set out in the Council constitution.
Licensed Driver	A driver licensed under the 1847 Act to drive a Hackney Carriage vehicle or under the 1976 Act to drive a Private Hire vehicle.
Licence Plate	The plate that licensed vehicles must display showing the licence number, maximum number of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle.
Licensed Vehicle	Vehicle licensed under 1847 Act as a Hackney Carriage or licensed under the 1976 Act as a private hire vehicle.
Operator	The business which invites and accepts bookings for private hire work.
Private Hire Vehicle	A vehicle licensed under the 1976 Act.
Proprietor	Registered owner or part owner of a vehicle.
PSV	Public Service Vehicle.
Road Traffic Acts	Including all associated legislation.
Taximeter	Device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. Fitted in all hackney carriage vehicles and some private hire vehicles.
The 1847 Act	The Town and Police Clauses Act 1847 and the provisions within.
The 1976 Act	The Local Government (Miscellaneous Provisions) Act 1976 and the provisions within.
The Council	South Cambridgeshire District Council.

The Equality Act	Equality Act 2010 which has legislation specific to disabled people
This Policy	This policy document.
WAV	Wheelchair Accessible Vehicle.

1.2 Policy Purpose, Status and Scope

- a) The purpose of this policy is to inform and guide The Council when administering its responsibilities within the legislative framework of the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, (as amended).
- b) It has traditionally exercised these responsibilities by way of conditions, by-laws, guidelines and procedures which have been developed and adopted over the years.
- c) It is widely considered best practice to create a unified policy that brings together all of these procedures and documents in one overarching policy.
- d) This policy does not override the legal requirements embodied in any primary or secondary legislation in force at the time of adoption, or as may be enacted after the adoption of this policy.
- e) Where there are any subsequent changes made to the applicable legislation, or its interpretation by the courts that conflict with this policy, the conflicting elements shall not apply and will be amended at the earliest opportunity.
- f) The legislation places a duty on the Council as the Licensing Authority for licensing Hackney Carriage and Private Hire vehicles, drivers of those vehicles and operators of those vehicles. The Licensing Authority understands the importance and responsibility it has in ensuring that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that drivers are fit and proper to undertake the role.
- g) The primary focus when administering its functions are public safety, safeguarding and wellbeing. In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy.
- h) In formulating this policy, consideration has been given to local circumstances and requirements and the DfT best practice guidance. Every decision, application and enforcement action will be considered on its own merits.

- i) The Council may depart from this policy if merited but will provide clear and detailed reasons for doing so.
- j) This policy is not a comprehensive statement of the law; applicants should always obtain their own legal advice if they are unsure of the requirements of legislation.
- k) In setting out this policy, the Licensing Authority seeks to carry out its licensing functions with a view to promoting the following objectives:

i) Safety and protection of the public:

- Consideration of history of convictions and cautions
- Driver conduct and performance
- Knowledge of South Cambridgeshire and Cambridge City
- Health and fitness to fulfil the role of a licensed driver
- Vehicle specifications

ii) Vehicle safety, comfort and access:

- Standards of vehicle comfort and appearance
- Location and use of ranks
- Accessibility of facilities
- Number of vehicles available
- Livery

iii) The prevention of crime and disorder:

- Commitment to work with the Police and other relevant agencies
- Planned and unplanned enforcement programme to ensure compliance
- Operating rules, conditions, byelaws and fit and proper processes
- Support with local businesses for the dispersal of customers from licensed premises

iv) The promotion of environmental sustainability:

- To encourage the uptake of zero and ultra-low emission vehicles
- To only permit licenses for vehicles that comply with the particular age requirements set out in this policy
- To work with stakeholders and the trade to improve Air Quality across the District

v) The protection of children and adults at risk from harm:

- Safeguarding requirements as set down in this policy
- Cooperation with other agencies to protect children and adults at risk
- Training to cover awareness of Safeguarding
- A robust reporting mechanism for Safeguarding issues
- Determination of fit and proper persons

1.3 Consultation and Revision

- a) The Council will consult with stakeholders prior to the adoption of this policy, and for the further continuation and development of the policy.
- b) The Council will keep the policy under review and will consult where appropriate on proposed revisions. Appendices and sections of the policy may be updated and amended by the licensing committee after consultation without the whole policy being consulted upon.
- c) Minor editorial changes to ensure content is up to date and do not affect the ethos of the policy will be delegated to officers, such changes may be to change web addresses, postal addresses, contacts etc.

1.4 Implementation

- a) This policy shall take effect from 1st January 2020 and will override and supersede all existing Council policy and guidance in relation to Hackney Carriage and Private Hire Licensing.
- b) Once adopted this policy will be kept under review and revised as appropriate and in any event not less than every five years. The Council expects licence holders to comply with its terms and conditions.

1.5 The Licensing Regime – General Overview

- a) The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT “Taxi and Private Hire Licensing – Best Practice Guide” para 8 which states:

“The aim of local authority licensing of the taxi and PHV trades is to protect the public.”

- b) Vehicles used for hire with the services of the driver, which accommodate a maximum of up to eight passengers, drivers of those vehicles and operators of private hire vehicles are regulated by the above legislation.

- c) Vehicles which accommodate more than eight passengers are classed as Public Service Vehicles (PSV) and are not covered by the legislation or this policy. The Council has no involvement in the licensing of PSVs; they are the responsibility of The Traffic Commissioner.
- d) Any person who carries out, hackney carriage or private hire activities without the correct licences, would be breaking the law and would likely not have valid insurance. This can have serious consequences for all parties involved, if an accident or incident occurs.
- e) The legislation creates three types of licence:
 - Vehicles (Hackney Carriage & Private Hire)
 - Drivers (Hackney Carriage and Private Hire)
 - Operators (Private Hire only)
- f) A Hackney Carriage vehicle and the driver must be licensed by the same local authority. Private Hire vehicle, driver and operator must be licensed by the same authority. This does not prohibit the Private Hire Operator subcontracting a booking to another operator licensed by a different local authority.
- g) The legislation places a duty on the local authority to only license those who are considered to be 'fit and proper' to hold that licence. (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- h) The term 'fit and proper' is not defined in legislation, but it may be useful to think of a person being considered as "safe and suitable".
- i) The legislation allows local authorities to set their own conditions, requirements and application processes. This means that each local authority's requirements and conditions can be different.
- j) The aim of the legislation and the licensing regime is to ensure that the public are protected and have reasonable access to these services.
- k) Public safety is paramount and has a wide scope; it includes public safeguarding, protecting vulnerable persons and public wellbeing.
- l) To achieve the aim of the legislation and to meet the obligations of the Acts, South Cambridgeshire District Council has adopted this policy which will promote well-run, safe and responsible businesses.

- m) Other general law is also applicable such as the Highway Code, Road Traffic Act, Health and Safety at Work Act, Health Act 2006, Equality Act 2010, etc. This is not a definitive list and not all applicable legislation is enforced or regulated by the Council e.g. Road Traffic Act 1991. South Cambridgeshire District Council expects licence holders to ensure that they keep up to date and comply with all applicable legislation.
- n) Both Hackney Carriage and Private Hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions for applicants for drivers’ licences and that any and all criminal convictions can be taken into account by the local authority in assessing safety and suitability. In relation to private hire operators and hackney carriage and private hire vehicle proprietors, the Hire Court has determined that spent convictions can be considered. In all cases this will be in accordance with the Councils Previous Convictions Policy, but only relevant spent convictions should be considered by the decision maker.

1.6 Information Sharing

- a) The Council works in partnership with many other enforcement agencies such as the Police, HM Revenue and Customs, Home Office, DVSA, Department of Work and Pensions, Benefit Fraud etc.
- b) The Council will share information with other departments or regulatory bodies where appropriate.
- c) The Council is legally required to provide information if requested, pursuant to a criminal offence, or to detect fraud, or immigration offences.
- d) The legislation also requires local authorities to maintain a public register.
- e) The Council will work with neighbouring authorities and report to them any relevant matters that relate to their licence holders.

1.7 National Register of Refusals and Revocations

- a) The Local Government Association (LGA) has launched a national register of Hackney Carriage and Private Hire licence refusals and revocations called NR3, which is being introduced within the National Anti-Fraud Network. It is a shared service that allows Councils to share information about revocations and refusals.

- b) The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities but there is widespread consensus on the need to increase consistency and set national minimum standards for the 'fit and proper' test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from applying to another area and securing a licence - assuming the second authority was aware of the earlier revocation.
- c) It is essential for this Local Authority to maintain control and knowledge of all its applicants to ensure that the public have confidence in the safety of our licensed Hackney Carriages and Private Hire Vehicles.
- d) This Local Authority has subscribed to the national register of Hackney Carriage and Private Hire driver licence refusals and revocations, the 'national register of refusals and revocations' or NR3.
- e) The register will allow licensing authorities to record details of where a hackney carriage or PHV drivers' licence has been refused or revoked and allow licensing authorities to check new applicants against the register. For the avoidance of doubt, NR3 does not extend to vehicle or operator licensing decisions.

1.7 Decision Making

- a) Each application and enforcement action will be determined on its own merits.
- b) Determination of applications will be made in accordance with this policy and the Council's constitution. Officers have delegated powers to make decisions, but may also refer certain matters to the Licensing Committee if appropriate. Members, when determining applications for a licence, renewals or reviews of a licence, will have regard to Hackney Carriage and Private Hire legislation, this Policy and any other relevant legislation, case law and other relevant Council policies.
- c) Enforcement actions will be in accordance with this policy, the Council's enforcement and inspection policy and the Regulators' Code 2014.
- d) The Licensing Authority has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions.
- e) Any person who has been refused a licence, or has had their licence revoked or suspended, or who believes that a condition has been attached to a licence

which is not reasonably necessary may appeal to the Magistrates Court within 21 days of being given the decision.

- f) The Licensing Sub-Committee is made up of a selection of Members from the Licensing Committee. Three Members will make up the panel for hearings to deal with new applications, renewals and reviews of licences that are referred directly by officers.
- g) Following the determination of an application by the Licensing Authority, the applicant will receive a copy of the decision in writing. The written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

1.8 Immigration Act

- a) The Council has a statutory duty to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licences will be undertaken in accordance with the requirements of the Immigration Act 2016.
- b) The Council takes this responsibility seriously and has checks in place to ensure compliance with the Act and will liaise where required with relevant Home Office departments. If however, a licence has been issued incorrectly for whatever reason, the licence ceases to have effect if the person does not have the right to work in the UK.
- c) Any licence which has expired due to the person's immigration status must be returned to the Council within 7 days.
- d) A licence may be suspended or revoked, or its renewal refused if, since the grant of the licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.
- e) Proprietors and operators also have an obligation to ensure that they only use, as their staff, persons who have the right to work in the UK. Failure to observe this obligation, or to provide due diligence checks, will be subject to enforcement action by the appropriate Home Office department, which may result in a civil penalty or imprisonment. In these circumstances action may also be taken by the Council against the licence.
- f) If an applicant cannot demonstrate the right to remain and work, the licence cannot be granted. If that status is lost during the currency of the licence, the licence lapses see s53A(6) Local Government (Miscellaneous Provisions) Act 1976.

1.9 Policing and Crime Act 2017

- a) The Council will give full regard to any guidance issued by the Secretary of State regarding the protection of children, and vulnerable individuals who are 18 or over, from harm. The Council will also consider any future guidance issued by the Department of Transport.
- b) If any changes to any parts of this policy or any related appendices are required when the guidance is released, they will be amended at the earliest opportunity.

1.10 Fees

- a) There is a statutory power for the Licensing Authority to charge fees associated with the Hackney and Private Hire licensing regime to recover costs of inspecting vehicles, providing Hackney Carriage stands and administration and issue of licences in relation to the Hackney Carriages and Private Hire trades.
- b) The appropriate fee should accompany any application or renewal made.
- c) There will be no refund issued for any licence surrendered prior to expiry, suspended or revoked.

2 Hackney Carriage and Private Hire Drivers

2.1 General

- a) Licensed drivers provide a public service. The Licensing Authority will not licence anyone to drive a Hackney Carriage or a Private Hire vehicle unless it is satisfied that they are a fit and proper person.
- b) Taxis are used by almost everyone in our society, but most frequently by vulnerable groups e.g. children, elderly, disabled people and the intoxicated. A taxi driver is in a position of trust and responsibility to protect a passenger who places themselves, and their personal safety in their hands. They also have responsibilities to other road users and the general public.
- c) The statutory and practical criteria and qualifications for a Hackney Carriage driver are similar to those of a Private Hire driver. The sections below apply equally to Hackney Carriage and Private Hire unless otherwise indicated.
- d) This Licensing Authority issues two types of licences for drivers, a Hackney Carriage Driver licence and a Private Hire Driver licence. These are two separate licences and therefore if any person wishes to hold both a Hackney Carriage and Private Hire driver licence they are required to submit two separate applications.
- e) New Private Hire and Hackney Carriage driver licences will be issued for one year with a renewal application for a further two years subject to checks (please see Hackney Carriage and Private Hire Handbook for further details). Thereafter licences will be renewed every three years (subject to exceptions as determined by this Licensing Authority).
- f) It may be considered necessary by the Licensing Authority to issue a licence for a lesser period e.g. the applicant's right to work is of a shorter or limited duration.
- g) If a licensed driver fails to renew before the expiry of the licence, they will be required to apply as a new driver and meet all the requirements as set out in this policy and Hackney Carriage and Private Hire Handbook. They will not be able to drive a hackney carriage or private hire vehicle until a new drivers licence has been issued.

- h) It is the responsibility of the driver to ensure they apply for their renewal with all relevant supporting original documentation in good time, with a recommendation that the submission is not less than eight weeks before expiry.
- i) Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another.
- j) In the circumstance that a licence holder has multiple licences with other authorities it is their duty to inform South Cambridgeshire District Council and to additionally advise each authority of any changes in this respect.
- k) South Cambridgeshire District Council will share and obtain any relevant information with other authorities regarding conduct of licence holders and will take into account this information as appropriate.
- l) If an applicant cannot demonstrate the right to remain and work, the licence cannot be granted. If that status is lost during the currency of the licence, the licence lapses see s53A(6) Local Government (Miscellaneous Provisions) Act 1976.

2.2 Fit and Proper

- a) This Local Authority will only license drivers that it considers are 'fit and proper' to hold a licence, and that the applicant is not disqualified by reason of their immigration status. 'Fit and proper' is given its widest interpretation and includes physical fitness, character, behaviour etc.
- b) Applicants should be aware that we will not allow any member of staff to be subjected to rude, threatening, abusive, intimidating or violent behaviour either directly, by telephone or other methods of communication.
- c) In any of these circumstances staff members have the right to refuse to process the application.
- d) Any person exhibiting any of the above behaviours will be subject to enforcement and may have the application refused or licence revoked.
- e) The Council will require applicants and licence holders to undertake several checks and tests to establish their suitability to be considered 'fit and proper' to either be or remain licensed.

- f) Applicants and existing licence holders are required to share information held about them by various bodies e.g. DVLA, police, home office etc.
- g) The Council can request any information on the applicants that it deems to be relevant to determine their fit and proper status. This may include checking a driver's prior history with this or any other Council, using intelligence from the police or any other regulatory authority as appears relevant.
- h) Consideration of suitability includes character and patterns of behaviour and is not limited to incidents which occur whilst the driver is 'on duty'. Conduct or behaviour which may indicate that the safety and welfare of the public may be at risk will also be considered when assessing their fit and proper status. Any matters that occur whilst the person is using their licence (driving, operating or in connection with their vehicle) will be considered as aggravating factors, and the fact that they did not occur in this way will not be regarded as mitigating factors.
- i) The onus is on the applicant or licensed driver to satisfy the Council that they are and remain 'fit and proper'.
- j) Applicants will be required to undertake and provide an enhanced DBS, (including a check of both the Adult and Childrens barred lists), statutory declaration listing all criminal convictions and other matters detailed on the application form, medical health check to the DVLA group 2 standard as a minimum, and share information held by DVLA, upon new and renewal applications.
- k) Additional information may be sought as part of the process if considered appropriate in individual circumstances.
- l) Applicants for both new licences and renewals, who fail to report or declare an offence, or other relevant matters, will bring in to question their suitability to hold a licence. Failure to report or declare an offence prevents the authority from taking into account that information in protecting public safety. It is also a breach of this Licensing Authority's Code of Conduct and will be taken into account as part of the consideration of the applicant's suitability and their fit and proper status.

2.3 Data Request/ NR3

- a) When an application is made to this authority for the grant of a new, or renewal of, a taxi driver's licence, this Local Authority will check the NR3.
- b) NR3 was commissioned by the LGA as a voluntary register. Licensing authorities will be responsible for adding basic details of drivers who have had applications for a licence either refused, revoked or suspended.
- c) Details contained on the register will be limited to information that will help to identify an individual to a certain degree of accuracy but will not give a reason why actions were taken. It will be up to individual authorities to follow up on any searches they make which come back with a match
- d) This Authority will make and then retain a clear written record of every search that is made of the register. This will detail: -
 - i) the date of the search;
 - ii) the name or names searched;
 - iii) the reason for the search (new application or renewal);
 - iv) the results of the search; and
 - v) the use made of the results of the search (this information will be entered to the register at a later date)
- e) If any match is discovered (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.
- f) When this authority receives a request for further information from another authority, a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.
- g) This Authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request and therefore we will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the

end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

- h) For this database to serve its purpose of protecting the public and the trade from unacceptable drivers obtaining licences in other districts, unscrupulous drivers will not be allowed to circumvent the provisions by surrendering their licence ahead of any revocation or non-renewal decision being made.

2.4 Drivers Licences

- a) All licensed drivers are required to prominently display their driver's badge whilst working as a licensed driver. Failure to comply is an offence under the 1976 Act and local byelaws. Please see the Hackney Carriage and Private Hire Handbook
- b) Drivers are reminded that the driver's badge remains the property of South Cambridgeshire District Council; all expired and revoked badges must be returned to the Council.
- c) It is important that private hire drivers notify the Council of any significant changes which occur after their licence has been granted. This includes but is not limited to changes in name, address, email address or telephone number, change of immigration status etc. This also includes any health changes which may affect their driving ability, all convictions, cautions, reprimands, warnings and DVLA penalty points currently shown on the licence or any other matter which may bring in to question their fit and proper status.
- d) In order to be eligible to apply to be a licensed driver with this authority an applicant must have held a valid full driving licence for a minimum of 12 months. Therefore, the minimum age a person could be eligible to apply is 18 years old. There is no maximum age, so long as the applicant still meets the full criteria.

2.5 Eligibility to Live and Work in the UK

- a) The Licensing Authority has a duty to ensure that it only issues operators' and drivers' licences to individuals who have a legal entitlement to live and work in the UK.
- b) No licence can be legally issued unless the Licensing Authority receives proof of their right to work in the UK.

- c) Proof of the right to live and work in the UK must be provided by Driver and/or Operator applicants in accordance with the Immigration Act 2016. As part of the licence application process, individuals will be required to present original documentation for verification and copies will be made and retained on file.
- d) The Home Office has produced a list of documents that applicants can provide, further information can be found in the Handbook. A link to the Home Office guidance can be found here: www.gov.uk/topic/immigration-operational-guidance
- e) Applicants with a restricted right to work in the UK may be issued with a time or hours restricted licence, no licence will be permitted to expire beyond the licence holder's right to work expiry date.
- f) This Authority will work in conjunction with the Home Office or its appointed agents to ensure immigration offences are minimised.
- g) This Authority will refuse to grant or renew a licence and will suspend or revoke an existing licence if an individual is found to be living or working in the UK without the relevant authorisation. Under s53A(6) Local Government (Miscellaneous Provisions) Act 1976 a licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person's immigration status from driving a hackney carriage.
- h) If an applicant cannot demonstrate the right to remain and work, the licence cannot be granted. If that status is lost during the currency of the licence, the licence lapses see s53A(6) Local Government (Miscellaneous Provisions) Act 1976.

2.6 References

- a) Applicants are required to provide two referees, at least one from a professional person (e.g. accountant, solicitor, magistrate), who has known the applicant for at least three years.
- b) It is the responsibility of the applicant to provide the name and contact information so that the Licensing Department can make contact with the referee.
- c) It is the responsibility of the applicant to pay any costs to the referee (if applicable)

- d) Please see the Hackney Carriage and Private Hire Handbook for further details.

2.7 Disclosure and Barring Service (DBS), Convictions, Cautions and other Related Matters

- a) An enhanced DBS certificate is a mandatory requirement as part of the application for a Hackney or Private Hire drivers licence and is an important element used by this Authority to ascertain whether or not the person is fit and proper to hold a licence.
- b) In considering 'fit and proper', the Council will take into consideration any prior convictions and cautions. Therefore, all applicants for new and renewal licences are required to undertake and submit an enhanced DBS check. This check will detail all criminal convictions and cautions including those that are spent, and any other relevant matters held by the police.
- c) All licensed drivers will be required to subscribe to the DBS Update Service and renew on an annual basis to continue to hold a South Cambridgeshire District Council driver's licence.
- d) This authority will undertake an annual online check of the DBS Update Service for the applicant's current status.
- e) It is the Council's prerogative to require the licensee to obtain an additional enhanced DBS check if a new certificate is required at any time.
- f) Where an individual fails to maintain their subscription before expiry they will be required to reapply for a new enhanced DBS check and register for the Update Service. Failure to do so will result in suspension of the licence until they have complied.
- g) Due to the role of a hackney carriage or private hire driver, the Rehabilitation of Offenders Act 1974 does not apply and there are no spent convictions. All convictions will be taken into consideration in determining the application.
- h) In instances where convictions, cautions, reprimands or warnings appear on a DBS, the cause/motive/mitigating circumstances may not taken into consideration, however as each application is determined on its own merits, the applicant will be afforded the opportunity to state their case as part of the application.

- i) Further information can be found in the Relevance of Convictions/Cautions in relation to taxi licensing section this policy.
- j) Where there is a public protection risk, the police will pass information under Common Law Police Disclosure (CLPD) to the Licensing Authority to allow immediate action to be taken to protect public safety regardless of whether there has been a conviction.
- k) South Cambridgeshire District Council drivers' licence holders must notify the Licensing Authority in writing within 72 hours of any cautions, convictions or warnings including but not limited to driving endorsements, driving convictions, police warnings and reprimands, cautions, community service orders, restraining orders, fixed penalties immigration offences, or other relevant matters, including road traffic offences such as speeding.
- l) If it comes to the attention of the Council that a licensed driver has failed to notify the Council of relevant matters which occur during or after the licence has been issued, enforcement action will be taken.

2.8 Overseas Criminal Record Check

- a) Applicants who have resided outside of the UK for 3 months or longer, since the age of 18 years, in the last five continuous years will be required to submit an overseas record check which has been authenticated by each embassy of the country of residence.
- b) This must be translated into English at the applicant's expense. The overseas criminal record check must be no more than 3 months old at the time of submission.
- c) Further information can be found in the Hackney Carriage and Private Hire Handbook.

2.9 DVLA

- a) The applicant must be authorised to drive a car in the UK (e.g. held a full driving licence issued by a state in the European Economic Area) for a minimum of one year.
- b) Consideration of penalty points and driving offences will be made in accordance with the relevance of convictions/cautions in relation to taxi licensing. Further information can be found in the Relevance of Convictions/Cautions in relation to taxi licensing section this policy.

- c) As part of the application, (both new and renewal), officers of the Council will undertake an online DVLA check for the applicant's current status and any endorsements. The Council can request that an additional DVLA check is performed at any point during the lifetime of the licence and failure to provide permission may result in enforcement action being taken.

2.10 Medical Requirements

- a) Due to the length of time an occupational driver (hackney carriage and private hire) spends at the wheel, it is appropriate to have more stringent medical checks and standards than those applicable to non-professional drivers.
- b) The DVLA, The Royal Society of Medicine and the DfT recommend and consider it best practice for licensed drivers (Hackney Carriage and Private Hire) be subject to the DVLA group 2 medical requirements..
- c) To ensure that public safety is protected, the Council requires all applicants to obtain and submit a group 2 medical report with their application for new licences and renewals.
- d) The group 2 medical assessment must be completed by a registered medical practitioner who has access to the applicant's full medical records (i.e. own GP) and licensed to practice in the UK
- e) The medical assessment must be no older than three months at the time of submission with the relevant application.
- f) If the medical assessment is not completed by the applicants own GP, and the Council is not satisfied with the medical assessment provided (i.e. the applicants medical records have not been accessed) a second medical opinion will be required, to be obtained at the applicants cost but with a registered medical practitioner nominated by the Council.
- g) The Council can require an interim medical report from the Councils nominated RMP at any time, at the Councils expense.
- h) A group 2 medical report must be submitted with all new applications and every three years upon renewal. Upon reaching the age of 65 years a medical will be required annually.

- i) Applicants must pay any fees to the registered medical practitioner for completing the medical and report.
- j) The Council can require a second medical opinion, as deemed necessary, to be obtained at the applicants cost but the with Registered medical Practitioner nominated by the Council.
- k) The Council can require an interim medical report from the Councils nominated Registered Medical Practitioner at any time, cost to be borne by the Council.
- l) Licensed drivers must notify the Council and their medical practitioner of any deterioration in their health which may affect their ability to drive or complete their tasks as a licensed driver. The Council expects licensed drivers to be responsible and not continue driving following any deterioration in their health, or any health problems which could endanger the lives of the general public.
- m) If a licensed driver is involved in an accident in which s/he is injured, they must ensure that they are fit prior to returning to hire and reward work; this is for the safety of the driver and the general public. All accidents, however minor, must be reported to us using the accident report form.

2.11 Driving Proficiency and Assessment Test

- a) Additional checks are required to determine the suitability of the applicant. In addition to the DVLA driving test this Licensing Authority determines that an approved Council driving test as outlined in the Hackney Carriage and Private Hire Handbook is successfully completed before the first application, or before any renewal if not already obtained.
- b) Successful applicants will be issued with a certificate which will remain valid for 12 months. This must be presented as part of the Hackney Carriage and/or Private Hire driver application.

2.12 Competency Test

- a) In order to be a licensed driver a new applicant must first complete and pass the Private Hire or Hackney Carriage Competency Test which should have been completed no more than 12 months prior to application.
- b) Existing drivers may be required to undertake the Competency Test as determined by this Local Authority.

- c) Any applicant found to be cheating on the test will be refused to re-take the test within 1 year of that date. This will also influence the outcome of the Licensing Authority decision in determining any future applications, as this action will go towards a consideration of suitability and their 'fit and proper' status, and any further application is likely to be refused.
- d) See the Hackney Carriage and Private Hire Handbook for further details.

2.13 Safeguarding

- a) This Authority is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all our licensed drivers, proprietors and operators to share this commitment.
- b) Safety, security and welfare apply to the public, passengers and licensed drivers and proprietors and operators must consider these factors when determining what safeguarding measures should be in place.
- c) All new applicants for Hackney Carriage and Private Hire driver, proprietors of Hackney Carriage and Private Hire vehicle and Operator licences will be required to attend and successfully pass a safeguarding course and test, as required by this Local Authority, in order to obtain a pass certificate. There is no limit for the number of attempts to complete the test, to be borne at the applicant's own expense, however no licence will be issued until the applicant provides a certificate showing they have passed the safeguarding course.
- d) All existing licensed drivers, proprietors and operators will be required to participate and undertake a safeguarding course and test, as required by this Local Authority, in order to obtain a pass certificate which must be produced within 1 calendar year of adoption of this policy or on renewal whichever is sooner. Failure to do so may result in suspension of the licence until successful completion of the test.
- e) As part of the Hackney Carriage and Private Hire driver application process all renewal applicants will be required to submit a current safeguarding certificate, no older than 3 months. It is the duty of the applicant to ensure that they have completed the course and passed the test in sufficient time before applying for a renewal licence. There is no limit for the number of attempts to complete the test, to be borne at the applicant's own expense, however no licence will be issued until a certificate is produced.

- f) See the Hackney Carriage and Private Hire Handbook for further details.

2.14 Council Byelaws

- a) In addition to primary legislation, Hackney Carriage drivers are also subject to requirements and restrictions by way of Byelaws which can be found in the Hackney Carriage and Private Hire Handbook.

2.15 Service Expectations

- a) The Council and the travelling public expect licensed drivers to provide good customer service and behave in a civilised and courteous manner. They are expected to be clean and smart in their appearance. The vehicle must also be clean, presentable and roadworthy.
- b) Drivers must be aware of and comply with the legislation, byelaws and conditions applied to their licences by this Council and other appropriate legislation. Drivers who fail to observe these requirements may be subject to prosecution and enforcement action which could lead to suspension or revocation of the licence. Licensed driver conditions are shown in the Hackney Carriage and Private Hire Handbook.
- c) Drivers must not operate any equipment which may distract them whilst driving.
- d) Drivers are reminded that it is illegal to hold a phone or sat nav whilst the vehicle engine is running. Drivers must not cause annoyance to passengers during the journey by playing music without the consent of the passenger/hirer, or constantly talking on a hands-free mobile phone.
- e) Drivers must be aware of their obligations under the Equality Act to provide a service and assistance to passengers with mobility problems, or disabilities and to take assistance dogs, without extra charge.
- f) Drivers without an exemption who refuse or fail to take assistance dogs may be prosecuted by the Council and may also be subject to enforcement action by the Council including suspension or revocation of the licence.
- g) This Council condemns discriminatory behaviour which is harassing, racist, religiously motivated, homophobic, sexist, or in any way offensive to disability or gender. Complaints of this nature are taken particularly seriously. The Council does not have any power over passengers who use licensed vehicles

but will give support to the trade where possible. Drivers who experience any of the above behaviour should report it to the police.

- h) Licensed drivers are responsible for their own safety, the safety of their passengers and other road users. They have a duty to take regular rest periods. Licensed drivers must not drive if they are taking medication which impairs their judgement or driving ability.

2.16 Complaints against Drivers

- a) In the interests of public safety, this Authority has a duty to ensure that licensed drivers remain 'fit and proper' as well as 'safe and suitable' and will intervene where appropriate. Complaints made to the Council are investigated, recorded and monitored and enforcement action may be taken as appropriate and necessary.
- b) Similarly, the accumulation of several complaints could highlight that there is cause for concern. Each case will be considered on its individual merits. The licensee may be asked to attend the Council offices to determine an appropriate course of action that reflects South Cambridgeshire District Councils Corporate Enforcement Policy.

2.17 Assistance Dog Exemption Certificate

- a) Drivers may apply for an exemption certificate if, for health reasons, they are unable to take assistance dogs.
- b) Drivers who wish to apply for an exemption certificate must provide written documentation signed by a registered health practitioner giving the reasons why they should be exempted from transporting assistance dogs.
- c) Drivers who have been issued with an exemption certificate must inform proprietors or operators that they have the exemption to avoid any unnecessary distress or delay to passengers.
- d) The certificate must also be on display in the vehicle.

2.18 Environmental impacts - Idling Offence

- a) Drivers are reminded that it is an offence to leave a vehicle engine running whilst stationary unless waiting in traffic.

- b) Rule 123 of the Highway Code states: "You must not leave a vehicle's engine running unnecessarily while that vehicle is stationary on a public road." Doing this may incur fixed penalty fine under the Road Traffic (Vehicle Emissions) Regulations 2002.

2.19 Monitoring of Licensed Drivers – Penalty Points Enforcement System

- a) This Local Authority has in place a Penalty Point Enforcement System that assesses the severity of a complaint, the accumulation of complaints, and the timeframes in which they are received. This does not mean that sanctions or enforcement action will automatically be applied. Each incident, complaint, breach or infringement against a driver will be considered on the individual circumstances of each case and as an accumulation.
- b) When making enforcement decisions, Authorised Officers take the Penalty Point Enforcement System into account. Any departure from this must be fully considered, exceptional, capable of justification and must be endorsed by a duly authorised Head of Service under the Council's constitution and scheme of delegation or other officer as is consistent with the Council Constitution before the decision is implemented.

2.20 Driver Application Procedures

- a) An application for a Hackney Carriage and/or Private Hire licence must be made on the specified application form, be accompanied by the appropriate fee and the required original documentation and in accordance with the full procedure as set out in the Hackney Carriage and Private Hire Handbook.

2.21 Fees and Charges

- a) The licence fees applied by this Local Authority are set on a cost recovery basis. They are regularly reviewed, and any increase or reduction will be published and consulted upon as required by the legislation.

2.22 Conditions

- a) The Authority considers that the conditions as set out in the Hackney Carriage and Private Hire Handbook are reasonable, necessary and appropriate for all licensed Private Hire Drivers.

- b) This Licensing Authority has the power to attach conditions to Driver, Vehicle and Operator licences as deemed suitable by an officer of The Council or Licensing Committee which is determined on an individual basis.
- c) The standard conditions are as set out in the Hackney Carriage and Private Hire handbook. Any requirements of legislation that affects the operations being carried out under the terms of a licence shall be regarded as if they are conditions of that licence.

2.23 Surrender of Hackney Carriage and Private Hire Driver licence

- a) This Local Authority will not accept a surrender of a Hackney Carriage or Private Hire Driver licence. The licence remains current, even if the driver returns his or her badge and paper licence to this authority, the licence still remains in force.
- b) There is no right of appeal against any decision not to accept the surrender of a driver's licence, and the only challenge to this would be to be judicial review.
- c) An inability to surrender a driver's licence will not impact upon the honest driver. There is no continuing liability.

2.24 Renewal of Hackney Carriage and Private Hire Driver Licence

- a) If the licence renewal is not applied for before expiry of the existing licence, a new application is required.
- b) If the application is submitted before expiry of the licence, the existing licence expires and cannot be used until the renewal is determined. The applicant will not be permitted to drive until a new licence is issued.

2.25 Code of Conduct

- a) The code of conduct is in place to enhance the professionalism of, and to promote public confidence in licensed drivers. Failure to comply with any aspect of the Code of Conduct may result in enforcement action.
- b) Please see Appendix A for the code of conduct.

3 Hackney Carriage and Private Hire Vehicles

3.1 General

- a) The main difference between Hackney Carriage and Private Hire vehicles is that a Hackney Carriage can be hailed in a public street or hired from a taxi rank.
- b) Private Hire vehicles must be pre-booked in advance through a licensed Private Hire Operator; they cannot stand or ply for hire.
- c) Should a Private Hire licensed driver accept a fare which has not been pre-booked through an Operator they are committing an offence, will be subject to relevant enforcement action by this Licensing Authority, and the Council within whose district the offence was committed (if different).
- d) Anyone being conveyed in a Private Hire vehicle which has not been pre-booked may not be covered by the driver's insurance.
- e) Once a vehicle is licensed as either a Private Hire vehicle or a Hackney Carriage vehicle it always remains a licensed vehicle until that licence is suspended, revoked or expires. This means that these vehicles may not be driven by anyone other than a South Cambridgeshire District Council Private Hire or Hackney Carriage Driver even when the vehicle is considered 'off duty'. Any insurance policy which provides insurance for a licensed vehicle may become void if the vehicle is driven by an unlicensed driver.
- f) This Licensing Authority will not grant a Hackney Carriage or Private Hire Vehicle Licence for any vehicle that is already licensed by another authority.
- g) Vehicles which accommodate more than 8 passengers cannot be licensed as a Hackney Carriage or Private Hire vehicle.
- h) Local Licensing Authorities have a wide range of discretion over the types of vehicle they licence as Hackney Carriage and Private Hire vehicles.
- i) A vehicle will only be licensed as a Private Hire vehicle if it is not of an appearance or design that resembles a hackney carriage licenced by this Council and is therefore considered likely to lead the public to think it is a South Cambridgeshire District Council licensed Hackney Carriage vehicle.

- j) This Licensing Authority has set conditions applicable to the vehicle requirements, internal and external specifications, of the vehicles it will license. These can be found in the Hackney Carriage and Private Hire Handbook.
- k) There is a separate set of conditions applicable for Limousine and speciality vehicles, licensed as private hire vehicles, which can be found in the Hackney Carriage and Private Hire Handbook.
- l) This Licensing Authority has set these conditions as the minimum standards to ensure that the public travel in safe, comfortable and roadworthy vehicles. All vehicles must also conform to the type approval and construction and use regulations.
- m) Whilst each application will be determined on its own merits, it is unlikely that the Licensing Authority would license a vehicle which did not meet the licensing standards and specifications. Where an application is refused, a right of appeal exists. This is to the Magistrates Court if the application was for a private hire proprietors' licence, and to the Crown Court if the application was for a hackney carriage proprietors' licence.

3.2 Non-driver Proprietors

- a) Vehicle proprietors (both Hackney Carriage and Private Hire) must ensure that the vehicle is maintained to an acceptable standard at all times and
- b) Vehicle proprietors (both Hackney Carriage and Private Hire) must ensure that the vehicle is not used for illegal or illicit purposes.
- c) As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.
- d) All new applicants for proprietors of Hackney Carriage and Private Hire vehicles will be required to participate and undertake a safeguarding course and test, as required by this Local Authority, in order to obtain a pass certificate. There is no limit for the number of attempts to complete the test, to be borne at the applicant's own expense, however no licence will be issued until a certificate is produced.
- e) All existing licensed vehicle proprietors will be required to participate and undertake a safeguarding course and test, as required by this Local Authority, in order to obtain a pass certificate which must be produced within 1 calendar

year of adoption of this policy or on renewal whichever is earlier. Failure to do so may result in suspension of the vehicle licence until successful completion of the test.

- f) A basic DBS certificate is a mandatory requirement as part of the application for a non-driver proprietor vehicle licence and is an important element used by this Authority to ascertain whether the person is 'fit and proper' to hold a licence. This certificate for all new and renewal applications must be dated within 1 month.
- g) The DBS check will last for 1 year.
- h) South Cambridgeshire District Council licence holders must notify the Licensing Authority in writing within 72 hours of any cautions, convictions or warnings including but not limited to driving endorsements, driving convictions, police warnings and reprimands, cautions, community service orders, restraining orders, fixed penalties immigration offences, or other relevant matters, including road traffic offences such as speeding.

3.3 Limitation of Vehicle Numbers

- a) The legal provision on quantity restrictions for Hackney Carriages is set out in the Transport Act 1985, Section 16. Any limit imposed needs to comply with Part 12 of the Equality Act 2010 and any associated regulations in respect of the proportion of the taxi fleet accessible to disabled persons.
- b) South Cambridgeshire District Council has not set a limit for the number of Hackney Carriage vehicles it will licence. There is no provision for the Council to limit the number of Private Hire vehicles it licenses.

3.4 Appearance

- a) Vehicles must be safe, comfortable, the passenger compartments must be clean and dry including upholstery, without rips or tears or sharp protrusions. Proprietors, drivers and operators must ensure that the vehicles they utilise meet the expectations of this Council and the travelling public.
- b) The exterior of the vehicle must be reasonably clean to ensure that passengers can board and alight the vehicle without getting dirty. Drivers are also reminded to ensure that the licence plate, registration plate and all other identifying features remain clean and visible.
- c) Any vehicle which has suffered damage that materially affects the safety, performance, appearance, or the comfort of the passenger must not be used for hire and reward purposes, until the vehicle has been suitably repaired.

3.5 Smoking

- a) All licensed vehicles must comply with the requirements of the Health Act 2006 and display 'No Smoking' signs. Drivers are reminded that it is against the law to smoke or allow someone to smoke in a licensed vehicle at any time. For the avoidance of doubt, the Council also forbids the smoking of electronic cigarettes and vaping, whether by the driver or passengers.

3.6 External Signage and Livery

- a) This Licensing Authority must ensure that the travelling public are aware of the type of vehicle they are using. Some members of the public do not distinguish between Hackney Carriage and Private Hire vehicles and do not realise that Private Hire vehicles are not available for immediate hire and must not be hailed in the street.
- b) It is essential that the public are able to easily identify between a Hackney Carriage and a Private Hire vehicle and the identification features are as follows:

Hackney Carriage Vehicles

- c) Any new vehicle licensed by the Council as a Hackney Carriage can only be white in colour. All existing Hackney Carriage vehicles must be compliant by 31st March 2021.
- d) All Hackney Carriage vehicles must display the South Cambridgeshire District Council white identification plate on the rear of the vehicle.
- e) The licence plate must be securely fixed to the bracket which should be bolted or screwed to the outside rear of the vehicle, in such a manner that the plate is not obscured from view by fixtures or fittings, and the plate does not obscure the vehicle registration plate. The plate must also be able to be easily removed by an authorised Council officer or police officer. Magnetic fittings are not allowed.
- f) Hackney Carriage vehicles must affix permanently on the front and rear external passenger and driver doors in a prominent location, South Cambridgeshire District Council issued door signage. See Hackney Carriage and Private Hire Handbook for details.
- g) The vehicle must be fitted with a roof sign not exceeding 500mm in length and 120mm in height and bearing the word "TAXI" in black lettering illuminated in

yellow and no other lettering to the front. The word "TAXI" and the wording "SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL" in black lettering, illuminated in red or yellow and no other lettering to the rear. Any exceptions to the above must be presented to this Licensing Department for approval before purchase of a vehicle.

- h) Any alternative signage must not be displayed except with the written authority of the Licensing Officer.
- i) A vehicle remains a Hackney Carriage vehicle until the licence is suspended, revoked or expires and it is the responsibility of the driver and/or proprietor to ensure door signage and licence plate is in place at all times and in all part of England and Wales. Failure to do so will result in enforcement action being taken.

Private Hire Vehicles

- j) All licensed Private Hire Vehicles must display permanently the yellow Council issued licence plate on the rear of the vehicle, except where a plate exemption certificate has been issued.
- k) The licence plate must be securely fixed to the bracket which should be bolted or screwed to the outside rear of the vehicle, in such a manner that the plate is not obscured from view by fixtures or fittings, and the plate does not obscure the vehicle registration plate. The plate must also be able to be easily removed by an authorised Council officer or police officer: magnetic fittings are not allowed.
- l) The vehicle must display permanently on the driver and front passenger door in a prominent position the name and telephone number of the Operator fulfilling the booking, except where a plate exemption certificate has been issued. Please see the Hackney Carriage and Private Hire Handbook for specified signage format.
- m) Private Hire vehicles must affix on the rear external passenger doors in a prominent location, Council issued door signage, except where a plate exemption certificate has been issued.
- n) Private Hire vehicles are not be permitted to display roof mounted signs or any signage that include the words "taxi" or "cab" or "for hire".
- o) All expired Vehicle licence plates must be returned to the Licensing Authority.

- p) Any alternative signage must not be displayed except with the written authority of the Licensing Officer.
- q) A vehicle remains a Private Hire vehicle until the licence is suspended, revoked or expires and it is the responsibility of the driver and/or proprietor to ensure door signage and licence plate is in place at all times and in all parts of England and Wales. Failure to do so will result in enforcement action being taken.
- r) Private Hire vehicles must not stop or wait on ranks for any reason. If a private hire driver accepts a fare which has not been pre-booked through a licensed operator, they are committing an offence and enforcement action will be taken.

3.7 Age of Vehicle

- a) As an incentive for the uptake of zero and ultra-low emission vehicles and to recognise the South Cambridgeshire District Council's recognition of the global climate and health emergency action plan to deliver a zero-carbon future for South Cambridgeshire, it is required that: -
 - A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old.
 - A vehicle licence will not be renewed for a petrol or diesel vehicle unless the vehicle is less than 9 years old and complies with at least the Euro 5 emission standards limiting CO, NOX and particle matter emissions introduced in September 2011, please see Hackney Carriage and Private Hire Handbook for current criteria.

To incentivise investment in ULEV and Zero Emission Vehicles, this rule will be extended as follows

- A vehicle licence will not be renewed for an Ultra-low emissions vehicle unless the vehicle is less than 12 years old.
- A vehicle licence will not be renewed for a zero emissions vehicle unless the vehicle is less than 15 years old.

3.8 Insurance

- a) It is the responsibility of proprietors, operators and drivers to ensure that they are properly insured at all times. Insurance provided by operators to cover their fleet and drivers is usually only valid when drivers are driving for that

company. If drivers work for multiple operators, all parties must ensure that appropriate and valid insurance is in place to avoid criminal offence.

- b) Applications for a new or renewal of a vehicle licence will require submission of proof of valid insurance which covers the vehicle and driver hackney carriage or private hire reward purposes. The vehicle proprietor and the driver must ensure that valid insurance is maintained at all times. It is considered best practice for proprietors and or drivers to keep copies of expired insurance policies for a reasonable period of time in case of any retrospective claims i.e. 3 months minimum. An original insurance certificate must be provided with an application, or if an electronic version, it must be supplied by the insurance company to taxis@scambs.gov.uk
- c) It is the responsibility of the driver to inform and supply this Licensing Authority with proof of valid insurance for each operator that they work for.

3.9 Safety Equipment

- a) All licensed vehicles must have a suitable first aid kit containing appropriate first aid dressings and appliances. This equipment must be in date and carried in such a position in the vehicle as to be readily available and visible for immediate use in an emergency. This item must be clearly marked with the licence plate number.
- b) All vehicles must have an efficient fire extinguisher which shall be carried in such a position as to be readily available for use. Please see the Hackney Carriage and Private Hire handbook for further specification.
- c) All vehicles must have a warning triangle carried in the vehicle to ensure the safety of the driver and passengers in the event of an accident, and drivers must understand the guidelines for the use of such devices and use the warning triangle in those circumstances.

3.10 CCTV

- a) The key objects are:
 - The protection of licensed drivers.
 - The protection of the travelling public.
 - To ensure that licensed drivers continue to be 'fit and proper' in line with licence conditions.

- To enable investigations to be fully supported with evidence in a secure and retrievable form.
- b) The installation of CCTV in licensed vehicles can be both a deterrent to would-be troublemakers and a source of evidence in the case of disputes between drivers and passengers, other incidents and accidents. If fitted correctly, it can assist the police and insurance companies with their investigations and must be recording at all times when working as a licensed vehicle.
 - c) All Hackney Carriage and Private Hire vehicles must be fitted with an approved CCTV system no later than 30th November 2020.
 - d) Drivers, proprietors and operators must notify the Council prior to installation. They must be registered with the ICO (Information Commissioners Office) if required and comply with all aspects of data protection and CCTV codes of practice, including clear signage that the vehicle uses CCTV. Further information can be found on the following link <https://ico.org.uk/>.
 - e) CCTV must be professionally installed to ensure no interference with other equipment, in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers, or affect any other safety system or in any way breach the motor vehicle construction and use regulations. It must be regularly checked and maintained, be clearly visible and the vehicle must display the required signage.
 - f) The Licensing Authority reserves the right to amend the CCTV specification from time to time as the need arises, having regard to changes in technical standards, case law, national policy or any other circumstances that make it reasonable to amend the current specification.

g) Audio recording

- i) CCTV systems must not normally 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.
- ii) Audio recording must be active in any of the following circumstances:
- iii) An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle

- iv) Where the driver and/ or the passenger are involved in a dispute or the driver or the passenger feels threatened by the behaviour of a passenger.
- v) Activation of audio recording must be triggered by the driver and/or the passenger by pressing a switch / panic button.
- vi) Audio recording will continue until such time as the switch/panic button is pressed again.
- vii) This switch/panic button will activate/deactivate audio recording independent of the driver's/ passenger's audio activation switch/ panic button.
- viii) Once activated (by either passenger or driver), the audio recording must continue for an uninterrupted period until it is deactivated.
- ix) There must be an indicator located within the vehicle that is clearly visible to the passenger and clearly shows that audio recording is taking place.
- x) At the end of journey when the passenger leaves the vehicle, audio must be deactivated before another passenger enters the vehicle.

h) Image security

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

i) Retention of CCTV images

- i) The CCTV equipment selected for installation will only have the capability of retaining images within its own hard drive.
- ii) Images must not be downloaded onto any kind of portable media device (eg CDs or memory sticks) for any purpose other than retention of data in the event of investigations.

- iii) CCTV equipment selected for installation will include an automatic overwriting function, so that images are only retained within the installed system storage device for a period of 28 days from the date of capture.

j) Use of information recorded using CCTV

- i) The data controller (being the Council) is responsible for complying with all relevant data protection legislation. The data controller is legally responsible for the use of all images including breaches of legislation.
- ii) Data will only ever be downloaded on occasions: -
 - where a crime report has been made involving the specific vehicle and the Police have formally requested that data
 - when a substantive complaint has been made to the licensing authority regarding a specific vehicle / driver and that complaint is evidenced in writing (and cannot be resolved in any other way)
 - where a Data request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver.

k) Requests for Data

- i) Requests may be made by the police or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to the “data controller” to view captured images. The data controller is responsible for responding to these requests. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively, a signed statement may be accepted. A fee may be made for any information provided.
- ii) All requests will only be accepted in writing and specify the reasons why disclosure is required. Please see the handbook for details.
- iii) Under the Data Protection Act, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a ‘subject access request’. Such requests must only be accepted where they are in writing and include

sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). A fee may be made for any information provided.

- l) Further guidance on CCTV can be found in the Hackney Carriage and Private Hire Handbook.

3.11 Dashcams

- a) Use of dashcams is not permitted in licensed vehicles due to:
 - no provision of an audio switch/ panic button
 - insufficient data retention
 - the device is portable and therefore easily stolen
 - the data is not encrypted and therefore accessible to anyone
- b) If a vehicle is found to be using dashcams, enforcement action will be taken.

3.12 Vehicle Testing

- a) The vehicle must have a MOT certificate and a Certificate of Compliance that is no older than 1 month at the date of application for both new and renewal.
- b) The Certificate of Compliance will be issued for six months and a second test must be carried out 6 months minus 1 day from the last test.
- c) Failure to produce the certificate will result in enforcement action which may include suspending of the licence.
- d) The Hackney Carriage and Private Hire Handbook sets out the specification and standards for vehicle testing and compliance. In addition to this, the Authority will adhere to National Vehicle Standards along with any localised byelaws.
- e) Full details on the Certificate of Compliance process can be found in the Hackney Carriage and Private Hire Handbook.

3.13 Vehicle Inspections

- a) Licensed vehicles must at all times, be kept in a safe, tidy and clean condition.

- b) Compliance with the vehicle specifications and conditions of licence are essential and will be enforced by periodic and/or random vehicle inspections by authorised officers of the Licensing Authority.

3.14 Accidents

- a) Proprietors and drivers of licensed vehicles are required to inform this Authority as soon as possible and in any event within 72 hours, of any accident that causes damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. Failure to report an accident may result in suspension or revocation of both vehicle and driver licences.
- b) The driver involved in the accident must provide details to this Licensing Department of how, where and when the accident occurred. The damage to the vehicle may be required to be assessed by an officer, the vehicle and/or evidence of the damage and/or repair work must be presented to this Licensing Department on request. If it is felt necessary, a vehicle suspension notice will be issued.
- c) Drivers, proprietors and operators are advised that the Council may be contacted by insurance companies to verify an accident damage report and details provided.
- d) Full details on the accident reporting process can be found within the Hackney Carriage and Private Hire Handbook.

3.15 Taximeters

- a) All Hackney Carriages licensed by this authority are required to have a working taximeter fitted in the vehicle; some Private Hire vehicles are also fitted with a taximeter. Where a taximeter is fitted, it must be calendar controlled, must not be set at a higher fare than the current maximum fare as agreed by the Council. The taximeter must be sealed by an authorised person.
- b) Where a journey starts and finishes within the South Cambridgeshire district, if a vehicle is fitted with a taximeter, it must be used when conveying passengers.
- c) The fare demanded cannot be more than that shown on the taximeter. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged.

3.16 Accessibility

- a) The aim of the Council is to provide an accessible public transport system where people with disabilities have the same opportunities to travel as other members of society. The Council expects that proprietors, drivers and operators give full consideration to ensure they provide a service to all members of society without discrimination. The Council will keep a register of all wheelchair accessible vehicles (WAV).
- b) The Council is committed to social inclusion and ensuring a wide variety of opportunity is available to all residents to enjoy a high quality of life. It is recognised that making door to door journeys easily and on-demand is crucial to social inclusion for all members of society.
- c) All Hackney Carriage vehicles must be WAV's to ensure that disabled people are able to hire the vehicle on the spot with the minimum delay or inconvenience.
- d) New vehicles will need to comply with this immediately, and for those vehicles currently licensed as a Hackney Carriage they will have to comply by 31st March 2021. Failure to do so will result in the vehicle licence being revoked, or not renewed.
- e) The Equality Act 2010 places certain duties on licensed drivers to provide assistance to people in wheelchairs and to carry them safely. There are similar requirements on drivers in relation to the treatment of passengers with an assistance dog. Neither drivers nor operators of licensed vehicles can make any extra charge or refuse to carry such passengers. It is a criminal offence to breach any of these requirements.
- f) Licensed drivers who are unable to carry out the duties imposed upon them under the Equality Act 2010 may apply to the Licensing Authority for an exemption certificate from those duties. The Council must issue an exemption certificate to that licensed driver if they are satisfied that it is appropriate to do so on medical or physical grounds. Even if a medical ground or other physical condition exists, a driver has no defence against the offence of failing to provide assistance to people in wheelchairs contrary to s165 Equality Act, if he has not been issued an exemption certificate.
- g) The Council encourages all Private Hire operators to include WAV's amongst their fleet and to ensure that no additional costs are levied by them or their drivers, for conveying disabled passengers or assistance dogs.

- h) Private Hire vehicles fitted with a tail lift for wheelchairs must provide a valid Lifting Operations Lifting Equipment Regulations (LOLER) certificate of compliance to prove that the tail lift has been tested and checked to the required standards. It must be retested every six months as per Health and Safety Executive (HSE) requirements.
- i) When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers, the vehicle must meet the relevant standards as defined in the Hackney Carriage and Private Hire Handbook. Prior to the first licensing of the vehicle, the proprietor and/or driver must produce certification that the vehicle meets the required standards.
- j) It is important that vehicle drivers, proprietors and operators ensure that licensed drivers carry all passengers in safety and comfort, and that they do not allow wheelchair passengers to travel sideways in their wheelchair. Therefore drivers must be appropriately trained in the use of relevant belts and other restraint locking mechanisms to ensure the safety of their passengers. It is the driver's responsibility to ensure that they understand fully how to use the equipment and then do so.
- k) The Licensing Authority takes all complaints of discrimination seriously and will have due regard to its duty to eliminate discrimination, along with the provisions of the Equality Act 2010, when considering the fitness of an individual to hold a Hackney Carriage or Private Hire licence (driver, vehicle or operator).

3.17 Exemptions

- a) The DfT issue guidance regarding the types of activities that may require licensing. In general, the following are not currently considered to require licensing.
 - Child minder vehicles
 - Care transport workers
 - Volunteers
 - Ambulances
 - Courtesy Cars
 - Funeral Vehicles - There is no requirement for a vehicle to be licensed as a private hire vehicle if it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

- Wedding Vehicles - There is no requirement for a vehicle to be licensed as a Private Hire Vehicle while it is being used in connection with a wedding.
- b) Should DfT guidance change, this authority will reserve the right to amend the information and guidance within the policy

3.18 Speciality Vehicles and Limousines

- a) Limousine and speciality vehicles are generally used for special occasions such as anniversaries, stag and hen parties, prom nights, etc. and may be specialist, or stretched vehicles.
- b) Limousine and speciality vehicles used for the purpose of hire and reward are required to be licensed as Private Hire vehicles, with a seating capacity for 8 passengers or less, and all bookings must be made via a licensed operator.
- c) These are specialist types of vehicles with their own set of conditions in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then these specialist conditions shall prevail. The conditions can be found in the Hackney Carriage and Private Hire Handbook.
- d) The Council strongly recommends that anyone wishing to purchase and license a speciality vehicle or limousine, contacts the licensing team prior to purchase, to ensure that the vehicle will meet the conditions applied. Each application will be determined on its own merits.
- e) Proprietors of prestige type vehicles licensed as Private Hire vehicles or Private Hire vehicles used in special circumstances may seek the permission of the Council to waive the conditions of their licence relating to the display of licence plates and door signage.

3.19 Private Hire Vehicle Notice of Exemption

- a) The Council recognises that there is a specialist market for the use of unmarked hire and reward vehicles in the following circumstances:
- Chauffer / prestige-type services
 - Fulfilling a pre-existing, written contract (pre-existing meaning signed at least 10 working days in advance of the hire)
 - Providing a regular service (whether to an individual or to a business)

- b) This definition will not cover every business circumstance and officer discretion will be used to determine individual applications based on the merits of the case, as required by legislation.
- c) Customers for this type of service will expect these vehicles to be prestige high specification vehicles and will also expect the driver to be smartly dressed either as a chauffeur or in a business suit with collared shirt and tie.
- d) The ability to exempt a vehicle from displaying the licence plate only applies to Private Hire vehicles, it does not extend to Hackney Carriages which must display their plates at all times.
- e) Prestige high specification Private Hire vehicles which carry out contract work such as executive bookings etc. may apply for an exemption licence, which exempts that vehicle from the requirement to display the standard licence plate and door signage.
- f) The driver must carry his Private Hire Driver badge with him so that it is immediately available upon request.
- g) The vehicle will be issued with a licence plate, which must be kept within the vehicle at all times.
- h) A certificate of exemption and internal vehicle notice will also be issued by this Authority and must be displayed in a prominent place, visible to all passengers.
- i) It is expected that vehicles which have been issued with an exemption certificate will solely undertake executive chauffeur work.
- j) Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.
- k) Exempted vehicles must not display any advertisements, signage, logos, or insignias advertising the operating company inside or outside the vehicle.
- l) Operators and proprietors who wish to apply for an exemption certificate must complete the application form, pay the required fee and provide sufficient supporting documentation to establish that the vehicle will be solely used for executive bookings.
- m) There are extra conditions applicable to exempted vehicles, in addition to the standard conditions. Where there is any inconsistency between the standard

conditions and these extra conditions, then these extra conditions shall prevail. The extra conditions can be found in the Hackney Carriage and Private Hire Handbook.

- n) If an exemption certificate has been issued but the vehicle will no longer be utilised solely for executive type bookings, the exemption plate and certificate must be surrendered and returned to the Council. If the vehicle is still licensed, it must then display the plate and door stickers as required by the conditions for private hire vehicles. There will be a fee for the replacement plate and door stickers.
- o) The types of work that will not be considered for the grant of an exemption include but is not limited to: -
 - Council 'school contract' work;
 - Journeys to airports, seaports or railway stations, unless part of a journey covered by an exemption
 - Theatre journeys or sporting events unless stipulated on the exemption
 - 'Hen' and 'Stag' nights.
- p) Each application for exempt status will be considered on its own merits and there is no right of appeal against a decision by the Local Authority to refuse to grant under s75(3) Local Government (Miscellaneous provisions Act) and the only direct means of challenge would be judicial review. Full details of the process for obtaining an Exemption can be found in the Hackney Carriage and Private Hire Handbook.

3.20 Required Information for Passengers

- a) Members of the public who have cause for concern, or who wish to complain about a journey in a licensed vehicle, will need some information about the driver or vehicle they used in order to progress their complaint or report their concern.
- b) Exempt vehicles do not display a licence plate and therefore members of the public may have no information about the driver or operator prior to getting into a licensed vehicle. If they have a problematic journey, they may ask the driver for information.
- c) Whilst licensed drivers are required to wear their licence badge, which contains their information, a passenger may feel it too confrontational to

request to see the driver's badge, especially if they have had a difficult journey.

- d) In order to protect the public and to allow customers to correctly identify and report either a driver or a vehicle which caused concern, the Council has determined that certain information must be displayed inside all licensed vehicles, in the form of a Council issued Internal Vehicle Notice. Please see Hackney Carriage and Private Hire Handbook for further information.
- e) Licensed drivers who work for more than one operator must have an internal vehicle notice for each operator that they work for.

3.20 Advertising

- a) The Council will not permit any advertising on or in vehicles.

3.21 Contract Vehicles

- a) The Road Safety Act 2006 requires vehicles used for a contract with an organisation or company, for carrying passengers for hire or reward under a contract, to be licensed as private hire vehicles. As a general guide this shall include executive hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.
- b) All vehicles with less than 8 passenger seats that carry passengers for hire and reward must be licensed by the Local Authority. Vehicles which are used as 'courtesy cars', i.e. for transporting customers to and from hotel, nightclubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly, be licensed.
- c) Those operating 'courtesy cars', e.g. for transporting customers to and from hotels, nightclubs, etc. should have an operator's licence and the vehicles and driver must be appropriately licensed.
- d) All ambulances registered with the British Ambulance Association will be exempt from private hire licensing.
- e) Other patient transport services provided by either NHS or Voluntary Services that are registered with the British Ambulance Association will be exempt from private hire licensing.

- f) All other ambulance or patient transport services that are not registered with the British Ambulance Association may be required to conform to private hire licensing requirements. The Licensing Authority strongly recommends that anyone wishing to provide this type of service contact the Council for each case to be considered on its merits.
- g) In relation to Voluntary Sector Transport, the Licensing Authority will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.
- h) When determining whether a vehicle is operating as a Private Hire Vehicle, the Licensing Authority will have reference to the Department for Transport's guidance note "Private Hire Vehicle Licensing" and any relevant case law.
- i) The Licensing Authority will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Authority considers that private hire vehicle licensing is necessary.

3.22 Hackney Carriage Stands (Known as Taxi Ranks)

- a) A Hackney Carriage stand is a location reserved exclusively for Hackney Carriages to wait a hiring. A Hackney Carriage can lawfully be hired from any point on the street when it is either stationary (standing) or cruising in response to a hailing (plying).
- b) Details of Taxi Ranks in South Cambridgeshire can be found in the Hackney Carriage and Private Hire Handbook.

3.23 Vehicle Application Procedures

- a) The application procedures for a Hackney Carriage or Private Hire vehicle licence must be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook.
- b) The Licensing Authority will consider all applications on their own merits once the appropriate criteria have been met and the application form and supporting documents are complete. Only then, and if this Licensing Authority is satisfied that the vehicle is suitable, will a licence be granted.

- c) The vehicle proprietor is responsible for ensuring that the application process is followed, and all necessary steps, documentation and fees are submitted in accordance with the procedure.

3.24 Grant of Vehicle Licences

- a) The maximum period for which a vehicle licence will be granted is 1 year. This Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstance.
- b) This Licensing Authority will only accept complete applications including all the necessary information and documentation.
- c) If a renewal application has not been received at the end of the vehicle's licensed period, the vehicle cannot be used for hire and reward purposes.
- d) Any vehicle which has not renewed within the expiry of the licence, will be classed as unlicensed, and will be required to apply as a new vehicle and meet the required age and specification criteria for a new vehicle.
- e) It is the responsibility of the vehicle owner to ensure that renewal applications, paperwork and mechanical tests are carried out in a timely manner to avoid the vehicle becoming unlicensed.

3.25 Transfer of Ownership of the Vehicle

- a) It is possible to transfer a South Cambridgeshire District Council vehicle licence to another driver/proprietor. The required notice must be given, providing full details of the new owner of the vehicle within 14 days. An application form is provided for this purpose, please see the Hackney Carriage and Private Hire Handbook for details.
- b) Compliance with all requirements of the vehicle licence remain the responsibility of the current licence holder and any requirement for enforcement action will be taken against him/her until the new licence has been issued in the new proprietor's name. It is therefore advisable to action this as soon as possible. Failure to do so with 14 days is a criminal offence.

- c) A driver/proprietor who fails to give such notice, without reasonable excuse will be subject to enforcement action. There is an administration charge for this process to cover the cost of issuing an amended licence. Where the vehicle is changed, this will be treated as a new application.
- d) See the Hackney Carriage and Private Hire Handbook for the application process.

3.26 Environmental Considerations

- a) In March 2017 there were 290,900 licensed Hackney Carriage and Private Hire vehicles in England and Wales and 23,353 in Scotland.
- b) While this is a relatively small proportion of the 31.3 million licenced cars in Great Britain at the end of 2017, Hackney Carriage and Private Hire vehicles have a disproportionate impact on air quality impacting human health. This is due to the relatively high mileage they cover. Emissions produced by these vehicles not only have an impact on the health of the local population (almost all Hackney Carriage and Private Hire vehicles are fuelled by diesel) but also on Hackney Carriage and Private Hire drivers who may be exposed to poor air quality for 8-12 hours a day.
- c) The Government aspirations are that by 2040 every new car in the UK will be an Ultra-Low Emission Vehicle (ULEV) and is facilitating this through a range of measures including financial support to help consumers meet the upfront purchase costs of ULEVs, through the Plug-in Car Grant, and investment in the creation of a national charge point network.
- d) The definition of an Ultra-Low Emission Vehicle (ULEV) is defined by the Vehicle Certification Agency. Please see the Hackney Carriage and Private Hire handbook for further details.
- e) South Cambridgeshire District Council has committed to reduce the environmental impacts of vehicles licensed to operate in the district by reducing the emissions of pollutants such as Nitrous Oxides (NO_x), Particulate Matter (PM), Carbon Dioxide (CO₂) and Carbon Monoxide (CO).
- f) This Local Authority is developing an action plan to deliver a zero-carbon future for South Cambridgeshire by assessing the current levels of carbon and committing to an action plan to meet our 2050 zero-carbon pledge.

- g) This plan includes installing electric vehicle charging points across the district and incentives for taxi operators and drivers to make the move to electric vehicles.
- h) The petrol and diesel vehicle age on renewal must be under 9 years and must comply with at least the “Euro 5” emissions standards limiting CO, NOX and particulate matter emissions, introduced in September 2011. To keep up with changing national standards and technical developments details of emission limits will be updated in the Hackney Carriage and Private Hire handbook.
- i) AQMAs are areas where levels of air pollution are higher than they should be (as defined by central government). Cambridge City was declared an Air Quality Management Area (AQMA) due to its predicted levels of nitrogen dioxide breaching the statutory UK air quality objectives. These levels of nitrogen dioxide remain above the National Objectives and the City Council’s low emission strategy for Buses and Taxis within Cambridge over a period of 10 years aims to address this.
- j) It is the intention of the South Cambridgeshire District Council policy to align with Cambridge City Council in respect to environmental considerations.
- k) See below for the rationale and implementation dates for new and renewal Hackney Carriage and Private Hire vehicle licence applications.

Policy	Rationale	Implementation
A set date for all Hackney Carriage and Private Hire vehicles licensed for the first time by the Council to be Zero or Ultra-Low Emission	This allows proprietors/ potential proprietors to focus on planning to move to Zero or Ultra Low emission vehicles by a set date.	With effect from 1 st December 2021
A set date for all Hackney Carriage and Private Hire vehicles licensed by the Council to be Zero or Ultra-Low Emission	This allows proprietors/ potential proprietors to focus on planning to move to Zero or Ultra Low emission vehicles by a set date and allows adequate business planning.	With effect from December 2028

- l) Maintaining the vehicle to a good standard may reduce emissions. This will be enforced through twice yearly vehicle testing as part of the Certificate of Compliance and this Local Authority will perform test emissions as part of its enforcement activities.
- m) The Authority recognises that low emission vehicles can have a positive impact on the environment and any application receives for other low and ultra-low emission vehicles will be considered on its own merits.
- n) Vehicle purchase subsidies are available for electric vehicles, dependent on the emissions. OLEV have different levels of Plug In Car Grant for different vehicles.
- o) For further details of grants and incentives available see the Hackney Carriage and Private Hire Handbook.

4 Operators

4.1 General

- a) The legislation requires that any person, who in the course of business makes provision for the invitation or acceptance of bookings for a Private Hire vehicle, must be licensed as a Private Hire operator.
- b) Any individual, partnership, company or other body that advertises the services of a private hire vehicle, provided with a driver, for hire and reward, is required to be licensed as an operator.
- c) The acceptance of bookings may be provided for by a variety of methods, such as, in person, by telephone, text, email, internet, smart phone app, in writing, or by any other communication means.
- d) The legislation requires the authority to only license operators who are considered to be 'fit and proper' to hold an operator's licence and who are not disqualified by reason of their immigration status.
- e) All work undertaken by Private Hire vehicles and drivers, must be pre-booked via a licensed operator. All three licences (Private Hire vehicle, Private Hire driver and operator) must be issued by the same local authority.
- f) Operators can only utilise drivers and vehicles that are correctly licensed by the same authority that issued the operators' licence. Operators, who fail to ensure that the drivers and vehicles they utilise have valid licences may be subject to enforcement action as deemed appropriate by this Authority.
- g) New operators licences will be issued for one year with a renewal application for up to a further five years subject to checks. See Hackney Carriage and Private Hire Handbook for further details.
- h) There is no provision within the legislation to transfer an operator's licence. If an existing operator sells or otherwise transfers their business (whether or not

including any assets) to another person, partnership or limited company, the new person must make a new application for a private hire operators licence. They will be subject to the 'fit and proper' test and be assessed by this Authority for suitability, have to demonstrate their right to remain and work in the UK and any new premises must be within this district.

- i) Licensed operators may accept bookings and may subcontract these bookings, but only to another licensed operator. However, the operator who accepted the initial booking remains responsible for that booking.
- j) Operators are required by law to keep a record of bookings and records relating to each and every vehicle operated by the operator, the contents of recording these records are detailed in the conditions attached to the operator's licence. Breach of this condition is a criminal offence which result in prosecution and a criminal conviction, as well as action against the operator's licence. Records of bookings must be made before the commencement of the journey. All such records must be made available to an authorised officer for inspection. Further information can be found in the Hackney Carriage and Private Hire Handbook.
- k) The Licensing Authority has power to impose such conditions on an operator's licence, as it considers reasonably necessary.
- l) These are set out in the Hackney Carriage and Private Hire Handbook.

4.2 Fit and Proper

- a) This Local Authority will only license operators that it considers are 'fit and proper' to hold a licence, and that the applicant is not disqualified by reason of their immigration status. 'Fit and proper' is given its widest interpretation and includes physical fitness, character, behaviour etc.
- b) Applicants should be aware that we will not allow any member of staff to be subjected to rude, threatening, abusive, intimidating or violent behaviour either directly, by telephone or other methods of communication.
- c) In any of these circumstances staff members have the right to refuse to process the application.
- d) Any person exhibiting any of the above behaviours will be subject to enforcement and may have the application refused or licence revoked.

- e) The Council will require applicants and licence holders to undertake several checks and tests to establish their suitability to be considered 'fit and proper' to either be or remain licensed.
- f) Applicants and existing licence holders are required to share information held about them by various bodies e.g. DVLA, police, home office etc.
- g) The Council can request any information it deems may be relevant to determine their fit and proper status. This may include checking an applicant's prior history with this or any other Council, using intelligence from the police or any other regulatory authority as appears relevant.
- h) Consideration of suitability includes character and patterns of behaviour and is not limited to incidents which occur whilst the operator is 'on duty'. Conduct or behaviour which may indicate that the safety and welfare of the public may be at risk will also be taken into account when assessing their fit and proper status. Any matters that occur whilst the person is using their licence (driving, operating or in connection with their vehicle) will be considered as aggravating factors, and the fact that they did not occur in this way will not be regarded as mitigating factors.
- i) The onus is on the applicant or licensed operator to satisfy the Council that they are and remain 'fit and proper'.
- j) Applicants will be required to undertake and provide a Basic DBS, together with a statutory declaration listing all criminal convictions and other matters detailed on the application form.
- k) Additional information may be sought as part of the process if considered appropriate in individual circumstances.
- l) Applicants for both new licences and renewals, who fail to report or declare an offence, or other relevant matters, will bring in to question their suitability to hold a licence. This deliberately prevents the authority from taking into account that information in protecting public safety. It also shows a blatant breach of conditions and will go toward consideration of suitability and their fit and proper status.

4.3 Eligibility to Live and Work in the UK

- a) The Licensing Authority has a duty to ensure that it only issues operators' licences to individuals who have a legal entitlement to live and work in the UK.

- b) No licence can be legally issued unless the Licensing Authority receives proof of their right to work in the UK.
- c) Proof of the right to live and work in the UK must be provided by Driver and/or Operator applicants in accordance with the Immigration Act 2016. As part of the licence application process, individuals will be required to present original documentation for verification and copies will be made and retained on file.
- d) The Home Office has produced a list of documents that applicants can provide, further information can be found in the Handbook. A link to the Home Office guidance can be found here: www.gov.uk/topic/immigration-operational-guidance
- e) Applicants with a restricted right to work in the UK may be issued with a time or hours restricted licence, no licence will be permitted to expire beyond the licence holder's right to work expiry date.
- f) This Authority will work in conjunction with the Home Office or its appointed agents to ensure immigration offences are minimised.
- g) If an applicant cannot demonstrate the right to remain and work, the licence cannot be granted. If that status is lost during the currency of the licence, the licence lapses see s53A(6) Local Government (Miscellaneous Provisions) Act 1976.

4.4 Safeguarding

- a) This Authority is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all our licensed drivers, proprietors and operators to share this commitment.
- b) Safety, security and welfare apply to the public, passengers and licensed drivers. Proprietors and operators must consider these factors when determining what safeguarding measures should be in place.
- c) All new applicants for Private Hire Operator licences will be required attend and successfully pass a safeguarding course and test, as required by this Local Authority, in order to obtain a pass certificate. There is no limit for the number of attempts to complete the test, to be borne at the applicant's own expense, however no licence will be issued until a certificate is produced.

- d) All existing licensed operators will be required to participate and undertake a safeguarding course and test, as required by this Local Authority, in order to obtain a pass certificate which must be produced within 1 calendar year of adoption of this policy or on renewal whichever is sooner. Failure to do so may result in suspension of the licence until successful completion of the test.
- e) As part of the Private Hire operator application process all renewal applicants will be required to submit a current safeguarding certificate, no older than 3 months. It is the duty of the applicant to ensure that they have completed the course and passed the test in sufficient time before applying for a renewal licence. There is no limit for the number of attempts to complete the test, to be borne at the applicants' own expense, however no licence will be issued until a certificate is produced.
- f) See the Hackney Carriage and Private Hire Handbook for further details.

4.5 Application

- a) An application for a Private Hire Operator's licence must be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook. The supporting documents must be the originals, not photocopies or photographs. The Licensing Authority will then decide whether the applicant is a 'fit and proper' person to hold an operator's licence.
- b) If the licence renewal is not applied for before expiry of old one, the existing licence expires and a new application is required.
- c) If the application is submitted before expiry of the licence, the existing licence expires and cannot be used until the renewal is determined.

4.6 Fees and Charges

- a) The licence fees applied by this Local Authority are set on a cost recovery basis. They are regularly reviewed, and any increase or reduction will be published and consulted upon as required by the legislation.

4.7 References

- a) To ensure that those involved in the operation of the business are 'fit and proper' to operate a business, applicants are required to provide two referees,

at least one from a professional person (e.g. accountant, solicitor, magistrate), who has known the applicant for at least three years.

- b) It is the responsibility of the applicant to provide the name and contact information so that this Licensing Department can make contact with the referee.
- c) It is the responsibility of the applicant to pay any costs to the referee (if applicable)
- d) Please see the Hackney Carriage and Private Hire Handbook for further details.

4.8 Disclosure and Barring Service (DBS) Disclosures

- a) A basic DBS certificate is a mandatory requirement as part of the application for an Operator licence and is an important element used by this Authority to ascertain whether or not the person is 'fit and proper' to hold a licence. This certificate for all new and renewal applications must be dated within 1 month.
- b) Although enhanced DBS certificates cannot be demanded by the Council for operator licences, we are happy to accept them, and we are happy to accept DBS update service certificates.
- c) In considering 'fit and proper', the Council will take into consideration any prior convictions and cautions. Therefore, all applicants for new and renewal licences are required to undertake and submit a Basic DBS check. This check will detail all live criminal convictions.
- d) It is the Council's prerogative to require the licensee to obtain an additional Basic DBS check if a new certificate is required at any time.
- e) Although the role of a private hire operator is not covered by the Rehabilitation of Offenders Act 1974, the High Court decision in *Adamson v Waveney BC* make it clear that the Council can take spent convictions into account when considering an application for a private hire operator's licence. All convictions must be revealed on the application form and accompany Statutory Declaration and will be taken into consideration in determining the application.
- f) In instances where convictions, cautions, reprimands or warnings appear on a DBS, the cause/motive/mitigating circumstances may not taken into

consideration, however as each application is determined on its own merits, the applicant will be afforded the opportunity to state their case as part of the application.

- g) Further information can be found in the Relevance of Convictions/Cautions in relation to taxi licensing section this policy.
- h) Where there is a public protection risk, the police will pass information under Common Law Police Disclosure (CLPD) to the Licensing Authority to allow action to be taken to protect public safety regardless of whether there has been a conviction.
- i) South Cambridgeshire District Council private hire operators' licence holders must notify the Licensing Authority in writing within 72 hours of any cautions, convictions or warnings including but not limited to driving endorsements, driving convictions, police warnings and reprimands, cautions, community service orders, restraining orders, fixed penalties immigration offences, or other relevant matters, including road traffic offences such as speeding.
- j) If it comes to the attention of the Council that a licensed operator has failed to notify the Council of relevant matters which occur during or after the licence has been issued, enforcement action will be taken.

4.9 Overseas Criminal Record Check

- a) Applicants who have resided outside of the UK since the age of 18 years of age or for the last five continuous years will be required to submit an overseas record check which has been authenticated by each embassy of the country of residence.
- b) This must be translated into English at the applicant's expense. The overseas criminal record check must be no more than 3 months old at the time of submission.
- c) Further information can be found in the Hackney Carriage and Private Hire Handbook.

4.10 Suitability of Premises

- a) When considering an application for a new operator's licence, consideration will be given to the location, the vicinity, facilities, and parking arrangements.
- b) Applicants should ensure that they obtain any necessary planning consents relating to the use of the premises in connection with the operation of the business. Where planning permission is required, operators must comply with

any condition attached to such permission. Whilst any breach of planning legislation will be enforced by the planning department, it may also be used in consideration of an operator's 'fit and proper' status.

- c) If the property is a Council or Housing Association property or rented privately, any applicants should seek written permission from the landlord to operate a private hire business from the premises.
- d) The Council will not grant a licence to an operator whose premises are located outside South Cambridgeshire. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

4.11 Operator's Responsibilities and Obligations

- a) Operators are responsible for keeping accurate records of bookings and retaining them for a period of not less than six months. These records must detail required information about each booking taken and fulfilled by the operator. Further information is contained within the Hackney Carriage and Private Hire Handbook.
- b) If an operator subcontracts a booking to another licensed operator, both operators must keep a record of the booking. The operator who accepted the initial booking remains fully responsible for that journey even though it has been subcontracted to another licensed operator. The initial operator must record what checks they made to ensure that the operator they passed the booking onto is correctly licensed.
- c) Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licenses the operator and driven by a driver also licensed by that same authority.
- d) Operators need to be aware of their obligations when it comes to data protection. Where databases containing personal information, such as records of bookings and CCTV, they are required to be registered with the Information Commissioners Office (ICO). Further information can be found on the following link;

<https://ico.org.uk/for-organisations/register/>

- e) Operators must make customers fully aware of any the fare and any additional charges which may be applied, e.g. for waiting time and for cleaning a soiled vehicle. These additional charges must be clearly displayed in the operator's office and on their website, if they have one.

- f) Operators are responsible for ensuring that the vehicles utilised are clean, fit for the purpose of the booking and comply with the conditions applied by this Council. It is expected that operators have a planned maintenance programme in place for all vehicles it utilises. The testing requirements applied by this Council are to confirm a level of safety and quality, rather than to highlight what maintenance needs to be carried out.
- g) This Local Authority encourages all Private Hire operators to include wheelchair accessible vehicles amongst their fleet. They must ensure that no additional costs or charges are levied by them or their drivers for conveying disabled passengers or assistance dogs.
- h) Operators and/or proprietors, who provide Wheelchair Accessible Vehicles must ensure that the driver is appropriately trained to load, unload and convey passengers in a safe and secure manner. This training, if not part of the original licensing requirements, must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.
- i) Operators must ensure that the drivers they utilise are 'fit and proper' to carry out the bookings and are appropriately trained for their role. Operators should be able to demonstrate how they will achieve this by way of a policy to include any training (or checks) provided by the operator, customer service company policies and practices, including disability awareness. A copy of this policy must be included with all applications.
- j) Operators must be aware of their obligations under the Immigration Act and only utilise persons who have the right to work in the UK. Failure to observe this requirement or to provide due diligence checks may be subject to enforcement action by the relevant Home Office department.

4.12 Insurance

- a) Operators must ensure they have all the correct insurances in place for the vehicles and drivers they utilise.
- b) Those who provide a waiting area for clients must provide evidence that they have valid public liability insurance.

4.13 Cross Border Hiring

- a) The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross border hiring.
- b) The legislation permits cross border hiring for bookings across other authorities and the Council has no jurisdiction over these private hire contracts.

4.14 Sub-Contracting

- a) Section 55a of the Local Government (Miscellaneous Provisions) Act 1976, inserted by the Deregulation Act 2015, permits Operators licensed by the Council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed private hire operator holding a private hire licence granted by another local authority.
- b) Regardless of which operator fulfils a booking, the operator can only dispatch a vehicle licensed by the same Council that licenses the operator and driven by a driver licensed by that same Council.
- c) Operators that accept an initial booking remain legally responsible for that booking even if they sub-contract the booking to another Operator and should record the booking as usual and note the fact that it was sub-contracted.

4.15 Radio Systems

- a) Applicants who intend to operate a radio system will be required to provide proof of their licence from Ofcom as part of the application process.

4.16 Operator's Complaint Policy

- a) Customers have a right to complain if the service provided by the operator fails to meet expectations. It is the responsibility of operators to attempt to find an amicable resolution to the complaint, without any unnecessary regulatory burden or intervention by this Local Authority.
- b) Complainants must be dealt with in a respectful, timely manner in an open and transparent way. To ensure this is achieved, operators are required to have a formal complaints policy and procedure which is made freely available to all customers, and to maintain a record of complaints received.
- c) A copy of the operator's complaints policy and procedure must be produced as part of all new and renewal applications.

- d) The complaint records must detail specific information, be monitored, and be made available to authorised officers upon request. The specified information to be recorded must include the following information as a minimum:
- The name of the complainant and how they can be contacted
 - The date the complaint was made and the time and date of the journey,
 - If the booking was subcontracted, the details of the licensed operator who fulfilled the booking and any action taken by the subcontractor regarding the complaint or concern
 - The name of the driver and vehicle being reported,
 - The nature of the complaint or concern,
 - The date by which the proprietor will respond to the complaint, which must not exceed 72 hours from time of receipt,
 - The action taken, if any, by the operator to resolve the complaint or concern.
- e) Operators must also inform the complainant that they can further their complaint to this Authority if they remain dissatisfied with the outcome of their complaint.
- f) If an operator is made aware of any information or complaint reflected in the relevant convictions section of this policy, they must notify this Licensing Department immediately and provide details of the actions taken by the operator.
- g) Operators must ensure that persons hiring a vehicle are aware of a complaints policy either by digital notification given before the commencement of the hiring or by way of a notice in the vehicle.

5 Enforcement

5.1 General

- a) As all licence holders are considered to be 'fit and proper', they are expected to fully understand the conditions and requirements placed on them by this Authority and other applicable legislation.
- b) The Council will take comprehensive and appropriate action against licence holders upon receipt of evidence that an offence has been committed. An offence may be, but is not limited to, a breach of the legislation or condition imposed on a licence, byelaw, or this policy.
- c) The Council will undertake overt and covert targeted enforcement operations as well as ad hoc compliance checks on licence holders. These operations and compliance checks may be inside and outside normal office hours and may involve partner agencies.
- d) Some breaches of legislation will be enforced where appropriate, by other partner agencies, e.g. the Police, DVSA, the Home Office etc.
- e) Every enforcement action taken by this Local Authority will be determined on the individual circumstances, will be in accordance with this policy, the Council's Enforcement and Inspection policy and the Regulator's Code 2014.
- f) Where an applicant or licence holder is aggrieved by the Council's decision to refuse an application, revoke or suspend a licence, or impose conditions on a licence, the applicant or licence holder has a right of appeal to the Magistrates Court within 21 days of being given that decision.
- g) This Local Authority will communicate regularly with licensing committees and officers in neighboring Councils to ensure critical information is shared and that there is a consistency and robustness in decision-making.
- h) It is recommended by the LGA that all Councils have a robust system in place for recording complaints in order to monitor a driver and their suitability. This Local Authority has therefore developed a Penalty Points Enforcement System as seen later in this policy.

5.2 Compliance

- a) Informal action to secure compliance with legislation, conditions and policy will include offering advice, requests for action, verbal advice, guidance notes, the use of written instructions and the undertaking of inspections.

5.3 Range of Powers

- a) There are a range of sanctions and actions which may be taken by the Council, e.g. prosecution, suspension, revocation, refusal to renew, formal written warning, caution, verbal warning, advisory letter, note on records and no action. The course of action will depend on the severity of the offence committed, the evidence available and the risk to public safety.
- b) Prosecutions will be taken where it is in the public interest.
- c) The Council will revoke or suspend or refuse to renew a licence where the licence holder has committed offences that could put public safety at risk.
- d) Where an applicant or licence holder is aggrieved by the Council's decision to refuse an application, revoke or suspend a licence, or impose conditions on a licence, the applicant or licence holder has a right of appeal to the Magistrates Court within 21 days of being given that decision.

5.4 Complaints, Compliments and Comments

- a) Members of the public who wish to submit complaints, compliments or comments about licensed drivers and operators can do so via the Licensing and Enforcement Team. All complaints will be dealt with in accordance with the process as described in the Hackney Carriage and Private Hire Handbook.

5.5 Warnings

- a) In respect of minor breaches of licence conditions the Licensing Authority shall issue warnings as appropriate to the circumstances. A Warning may be used for minor, technical or first-time transgressions where it may not be in the public interest to prosecute. Further guidance relating to this can be found in the Hackney Carriage and Private Hire Handbook.

5.6 Suspension or Revocation of a Licence

- a) The Council may suspend, revoke or refuse to renew a Driver's Licence in the following circumstances:

- i. there has been a conviction/caution for an offence involving dishonesty, indecency or violence or there has been a conviction or caution for an offence under or a failure to comply with the relevant legislation
 - ii. that since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty
 - iii. any other reasonable cause
- b) Action against a drivers' licence can be imposed with immediate effect if "the interests of public safety require the suspension or revocation of the licence to have immediate effect". As public safety is the paramount consideration in relation to hackney carriage and private hire licensing, the council will consider immediate action whenever the actions of the driver need to be examined.
- c) The Council may suspend, revoke or refuse to renew an Operator's Licence in the following circumstances:
 - i. there has been an offence under or non-compliance with the Relevant Legislation;
 - ii. any conduct on the part of the Operator which renders him unfit to hold a licence;
 - iii. any material change since the Licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
 - iv. that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty
 - v. any other reasonable cause
- d) Generally, a suspension will be imposed because there is a problem which needs to be addressed and overcome. Once that has been achieved, the suspension can be lifted. However, in relation to both drivers and operators

licences a suspension can also be imposed as a punishment. In these circumstances it will be for a fixed period.

- e) The Council will also have due regard to:
 - i. S.17 of the Crime and Disorder Act 1998 which states ‘without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.’
 - ii. The Department for Transport’s Taxi and Private Hire Vehicles: Best Practice Guidance which recognises the need for criminal record checks as an important safety measure and contemplates that a particularly cautious view will be taken in relation to offences of a violent or sexual nature.

5.7 Refusal to grant a Licence

- a) This Licensing Authority has the discretion to decide that a licence will not be granted if the vehicle, driver or operator does not meet the requirements of the policy. There is a right of appeal to the Magistrates Court (unless it is a refusal to grant a hackney carriage proprietors licence where the appeal is directly to the Crown Court).

5.8 Rights of Appeal

- a) Where an applicant is aggrieved by the Licensing Authority’s decision to suspend, refuse to renew, revoke a Licence or by conditions attached to a Licence or to refuse to grant or renew a Licence, the applicant has a right of appeal to the Magistrates’ Court, and a further right to appeal to the Crown Court. The specific grounds for appeal are detailed in the Hackney Carriage and Private Hire Handbook.
- b) Any appeal must be lodged at the Magistrates Court within 21 days of the applicant receiving written notification of the Council’s decision. The appeal must state the grounds upon which the appeal is based.

5.9 Information and Data Sharing

- a) The Council may process the information provided to prevent and detect fraud in any of our systems and may supply information to other departments within this Licensing Authority and externally to government agencies, credit

reference agencies, audit or other external bodies for such purposes. We participate in the Governments National Fraud Initiative.

- b) We may share personal data with Local Partner Authorities, Police, Legal, Courts, Internal/External audit, Disclosure and Barring Service, HM Revenue & Customs, Driver & Vehicle Standards Agency, Customs and Border Agency as required.

5.10 Penalty Point Scheme

- a) This Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
- b) The Penalty Points Scheme will operate without prejudice to this Licensing Authority's ability to take other action under appropriate legislation or as provided for by this policy.
- c) The Penalty Points Scheme outlined identifies a number of breaches of conditions, byelaws and/or statutory provisions and indicates the number of points to be invoked should the breach be proven and by whom.
- d) Where it is decided that the use of the Penalty Points Scheme is appropriate, the points will be issued in accordance with the schedule, as detailed in the Hackney Carriage and Private Hire Handbook.
- e) The imposition of penalty points against a driver who is an employee will not necessarily result in the additional imposition of points to his/her employer or operator. However, this Licensing Authority will issue penalty points to drivers, proprietors, driver/proprietors and operators for a single contravention if the circumstances warrant it, i.e. the breach is one against all these licences and it is considered joint responsibility is held.
- f) Points issued to a proprietor, operator or driver will be confirmed in writing if the completion of enquiries into the contravention or upon discovery of breach.
- g) The licence holder may be asked to attend a hearing before the Licensing Sub-Committee if 12 or more penalty points are imposed on an individual licence and are still valid. Appropriate action will be taken in accordance with this policy and may include suspension or revocation of the driver's licence. The licence holder may be permitted to continue working until a decision has been made.

- h) When issued, the penalty points will remain “live” for the period specified in the schedule as detailed in the Hackney Carriage and Private Hire Handbook.
- i) A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances they deem necessary.

6 Relevance of Convictions / Cautions in Relation to Taxi Licensing

6.1 Introduction

- a) For the purpose of this policy the term conviction is interpreted as including conviction, caution, reprimands, warning or where relevant information is received.
- b) Convictions, cautions, reprimands or warnings do not necessarily mean that an application will be refused, or a licence will be revoked. Also, where an applicant does not have any convictions or cautions, the applicant must still be deemed ‘fit and proper’ by the Licensing authority. Each case is treated on its own merits.
- c) Drivers have a duty to disclose all convictions or cautions.

6.2 Scope

- a) This policy applies to the grant, revocation, suspension or renewal of Operator's Licences (“Operator’s Licences”) and Licences to drive hackney carriages and/or private hire vehicles (“Driver’s Licences”) issued by South Cambridgeshire District Council (“the Council”).

6.3 Purpose

- a) The purpose of the relevance of convictions/cautions as outlined in this policy is to facilitate the Council’s duties and responsibilities in determining the impact of convictions and cautions on the grant or renewal of Driver’s, vehicle proprietors and Operator’s Licences in accordance with the legislative considerations set out below.

6.4 Licensing Legislation

- a) The Council licences drivers, vehicles and operators under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (“the Relevant Legislation”).

6.5 Grant and Renewal of Licences

- a) Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 prescribe that the Council shall not grant a Driver’s or Operator’s Licence unless satisfied that the applicant is ‘fit and proper’ for that purpose.
- b) Whilst the relevant legislation is not specific as to what will constitute a fit and proper person for the purpose of determining whether to issue a Licence, it is commonly accepted that any history of offending will be a relevant consideration. The overriding aim of the licensing authority is to protect the public.

6.6 Immigration Act 2016

- a) The legislation also adds immigration offences and penalties to the list of grounds on which operator and private hire and hackney carriage driver licences may be suspended or revoked by this authority. Where licences expire, or are revoked or suspended on immigration grounds, the licence must be returned within seven days. Failure to return the licence within seven days is a criminal offence.

6.7 Assessment of Applications

- a) The Council will not prevent a person who have previous criminal convictions and/or cautions making an application for a licence and will consider the application on its own merits subject to the application of this policy. In particular, having a criminal record will not necessarily be a bar from obtaining a Licence. Each case will be decided on its own merits.
- b) The fact that no convictions/cautions are revealed does not mean that applications will automatically be granted. In some cases, the applicant’s history may be such that they can never be deemed a ‘fit and proper’ person to hold a licence with this Authority. This Local Authority retains absolute discretion as to whether or not a Licence will be granted, having regard to the licensing legislation as outlined at section 1.2 above and all information obtained, and observations made during the relevant application process.
- c) Careful consideration of the evidence provided will be given if an applicant has on more than one occasion been arrested, charged, but not convicted of a serious offence, which suggests on the balance of probabilities that they

could pose a danger to the public. Consideration will be given to refusing the application. In assessing the action to take, the safety of the travelling public must be the paramount concern.

- d) It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material, particularly in giving information required on the application form. Where an applicant has made a false statement, false declaration or omitted to include information on their application for the grant or renewal of a licence, the licence will normally be refused.
- e) The Council is also entitled to use other records and available information when determining applications. This may include information held by the Council or other Licensing Authorities and information disclosed by the Police under the Home Office scheme for reporting offences committed by notifiable occupations or with the Home Office regarding immigration offences. Anyone on the Disclosure and Barring Service (DBS) Barred List will be refused a licence. Any licence holder who is subsequently included on the DBS Barred List will have their licence revoked.

6.8 Impact of Convictions, Cautions, Reprimands or Warnings

- a) Each application will be assessed and in each case the information provided will be considered in relation to the particular circumstances and shall take into account one or more of the following (non-exhaustive) factors:

6.8.1 Level of Responsibility

- i. This Authority will consider the level of independence afforded to the Applicant. An Applicant who works alone with minimal supervision will be considered a greater risk than one who works in a group and/or is closely supervised.

6.8.2 Date of Offence(s)

- i. This Authority recognises that historic offences may have less relevance than recent offences. As a general rule, a pattern of unrelated or similar offences over a period of time will be considered more serious than an isolated minor conviction.

6.8.3 Attitude of the Applicant

- i. This Authority will look for evidence that the applicant has been rehabilitated and has demonstrated a determination not to re-offend.

6.8.4 Mitigating Circumstances

- i. This Authority may ask applicants about offence(s)/convictions so that the context can be considered. Due consideration will also be given to any references provided.

6.8.5 Sentence Imposed

- i. This Authority will consider any sentence imposed as an indication of the Court's view of the seriousness of the offence.

6.8.6 Rehabilitation

- i. This policy prescribes the minimum periods of rehabilitation which will ordinarily need to have elapsed before an application can be approved. These minimum periods will be considered in conjunction with the general considerations outlined above, as well as with reference to any additional information provided or observations made during the disclosure procedure.
- ii. Representatives of this Authority tasked with deciding whether or not to approve an application have absolute discretion as to the application of the minimum periods of rehabilitation. This will apply both in favour of granting an application prior to the expiry of a rehabilitation period (for example where exceptional circumstances exist) or in declining an application before or after the expiry of a rehabilitation period (for example where there is evidence of any recent, persistent or habitual offending history).
- iii. Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a 'fit and proper' person to hold a licence.

6.9 Right of Appeal

- a) Applicants have a right to appeal against decisions made in pursuance of this policy in the following circumstances:
 - i. Refusal to grant or renew an Operator's, Vehicle or Driver's Licence
 - ii. Suspension or revocation of an Operator's, Vehicle or Driver's Licence

- iii. The imposition of conditions which may have been placed on the grant of an Operator, Vehicle or Driver's Licence
- b) When an officer makes a decision under delegated powers, that is the decision of the authority, and the rights of appeal against that decision are clearly detailed within the legislation (generally to the magistrates' court, followed by the Crown Court unless it is a refusal to grant a hackney carriage proprietors licence in which case the appeal is directly to the Crown Court). The authority has no further role in that decision and is functus officio in relation to that decision.
- c) Suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes this statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver Local Government (Miscellaneous Provisions) Act 1976, s 61 (2A) & (2B)).
- d) Suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the operator.

6.10 Updating and Repeat Checks

- a) South Cambridgeshire District Council licence holders must notify the Licensing Authority in writing within 72 hours of any cautions, convictions, warnings or other matters that might affect their continued fitness and propriety, and therefore suitability to retain their licence, including but not limited to driving endorsements, driving convictions, police warnings and reprimands, cautions, community service orders, restraining orders, fixed penalties immigration offences, or other relevant matters, including road traffic offences such as speeding and attendance at any speed awareness course.
- b) Persons wishing to renew their Licence must obtain and provide updated Disclosure Documents with their renewal application.
- c) It is important that the licensing authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety. Therefore, as per guidelines set out by the Local Government Association (LGA), all drivers and new applicants must register for the DBS update service and to nominate the licensing authority to receive updates.

- d) If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

6.11 Breaches of Policy

- a) Applicants are prohibited from driving a Private Hire or Hackney Carriage vehicle or performing the duties of an Operator without first having obtained a relevant Licence for this purpose.
- b) Persons who have previously been granted a Driver's or Operator's Licence which has been suspended or revoked are prohibited from continuing to drive or perform the duties of an operator unless they have submitted an appeal to the magistrates court or subsequently to the Crown Court in accordance with the legislation.

6.12 Cautions and Convictions Definitions

- a) The previous convictions policy in Appendix B offers a general guide to the decision which might be taken where cautions or convictions are disclosed.

Appendix A – Code of Conduct

1. Conduct of Driver

The driver must:-

- i. take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- ii. at no time cause or permit noise emitted by any equipment in the vehicle that may be considered a source of nuisance or annoyance to any person, whether inside or outside of the vehicle
- iii. drive with care and due consideration for all other road users and pedestrians
- iv. obey all Traffic Regulation Orders and directions at all time
- v. not consume alcohol or misuse drugs (legal or illegal) immediately before or at any time whilst driving or being in charge of a Hackney Carriage or Private Hire vehicle
- vi. shall not drive for hire or reward any unlicensed vehicle
- vii. should be aware that we will not allow any member of staff to be subjected to rude, threatening, abusive, intimidating or violent behaviour either directly, by telephone or other methods of communication
- viii. at all times be clean and respectable in dress and person and behave in a polite and orderly manner
- ix. afford all reasonable assistance with passengers' luggage
- x. not without the express consent of the passengers play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle
- xi. not drink or eat in the vehicle during the course of a hiring without the express consent of the passengers

2. Drivers' Dress Code

- i. In order to raise the profile of the licensed trade, drivers should operate at all times in a professional manner and conform to good standard of dress and personal hygiene.

3. Passengers

- i. The driver shall not convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the license for the vehicle.
- ii. The driver shall not allow any lone person, to be conveyed in the front of any licensed vehicle unless agreed with the operator at the time of booking.
- iii. No child under 12 may be carried in the front seat beside the driver.
- iv. At all times the driver shall ensure compliance with regulations regarding seat belt and restraints.
- v. The driver shall not, without the consent of the booked passengers, convey or permit to be conveyed any other person in that vehicle.
- vi. Third party insurance cover must be in place during the licence period in the event of all passengers' personal injury.
- vii. The driver shall ensure when dropping off vulnerable passengers at night that they wait until they can confirm that the person is safe before driving off.
- viii. Drivers will ensure the passenger has pre booked before setting out.

4. Driving and Vehicle Standards

- i. Drivers are expected to understand and follow the Official Highway Code.
- ii. Drivers must not perform manoeuvres that endanger the safety of other road users or passengers.
- iii. Drivers must have respect for, and demonstrate courtesy to, all other road users.
- iv. Drivers must not obstruct the highway or park in a dangerous position, including over ranking or parking contrary to all traffic regulations such as double yellow lines or no stopping signs. Drivers must, where possible, give as much room to cyclists and other vulnerable roads users as you would give a car.
- v. Drivers are required to notify the Council immediately of any damage to their vehicle that could give rise to any concerns about the safety or road worthiness of that vehicle, for example as a result of a collision.

- vi. Drivers must make their vehicles available for inspection at any time, if asked by an identified officer of the Council at the rank, at the Council or in the reasonable course of their duties.
- vii. Drivers must make themselves available for interview by a recognised officer of the Council if invited to do so at an appointed time by letter, email or telephone and attend that appointment unless they have reasonable grounds for not doing so.
- viii. Drivers have a duty to report any other issues that may be of concern to us.

5. Driving Responsibilities – Highway Code

- i. Driving when you are tired greatly increases your risk of collision. To minimise this risk you must take the necessary precautions.
- ii. You must not leave a parked vehicle unattended with the engine running or leave a vehicle engine running unnecessarily while that vehicle is stationary on a public road. Generally, if the vehicle is stationary and is likely to remain so for more than a couple of minutes, you should apply the parking brake and switch off the engine to reduce emissions and noise pollution.
- iii. You must not drive dangerously, without due care and attention or without reasonable consideration for other road users.
- iv. You must not drive on or over a pavement, footpath or bridleway except to gain lawful access to property or in the case of an emergency.
- v. Be considerate to all types of road users.
- vi. Avoid distractions when driving.
- vii. You must always exercise proper control of your vehicle, it is illegal to use a hand-held mobile phone, or similar device, when driving.
- viii. You should drive slowly and carefully on streets where there are likely to be pedestrians, cyclists and parked cars.
- ix. When passing a cyclist or pedestrian (or another vulnerable road user) drivers should give at least as much space as would be required for a car.
- x. Give way to people walking who have already started to cross the road.
- xi. Assess your vehicle's length and do not obstruct traffic.
- xii. Do not cut in on people cycling or encroach on the cycle waiting area.
- xiii. On a roundabout, watch out for and give plenty of room to, people walking or cycling.

- xiv. Keep pedestrian and cycle crossings clear.
- xv. Give way to anyone still crossing after the signal for vehicles has changed to green.
- xvi. The most vulnerable road users are pedestrians, cyclists, motorcyclists and horse riders. It is particularly important to be aware of children, older and disabled people, and learner and inexperienced drivers and riders.
- xvii. Check before opening your door.
- xviii. You should not park on the pavement.

6. Responsibility to Residents

- i. To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:
- ii. Not sound the vehicle's horn between 2330 hours and 0700 hours
- iii. Keep the volume of any sound reproducing equipment (e.g. radio) to a minimum
- iv. Switch off the engine if required to wait

7. Insurance

- i. It is the responsibility of drivers to ensure that they are always properly insured
- ii. If drivers work for multiple operators, all parties must ensure that appropriate and valid insurance is in place to avoid an inadvertent criminal offence.

8. Taxi Ranks

- i. Private Hire drivers must not stop/wait on ranks for any reason. If a private hire driver accepts a fare which has not been pre-booked through a licensed operator, they are committing an offence and enforcement action will be taken.

9. Touting or Soliciting

- i. The driver shall not while driving or in charge of a Private Hire Vehicle:-
- ii. tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.

- iii. cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle; or accept an offer for the immediate hire of that vehicle while the driver of that vehicle is on a road or other public place.

10. Lost Property

- i. The driver shall immediately after the end of any journey, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- ii. If the driver finds any items left within vehicle, or if an item is handed in to them, the driver must do their best to identify customer and return item to original owner.
- iii. The driver should contact the operator with information of found item within 24 hours. The operator must then follow their lost and found procedure.

11. Receipts

- (i) The driver shall if requested by the hirer or passenger of a licensed vehicle, provide a receipt for the fare paid.

12. Competency Test

- i. Existing drivers may be required to undertake the Competency Test as determined by this Local Authority.

13. Fare to be Demanded

- i. The driver of a Private Hire vehicle shall not demand from any hirer of a licensed vehicle 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 meter and there has been no previous agreement as to the fare, any fare greater than that shown on the face of the taximeter for journeys that begin and end within the district.

14. Mobile Phones

- i. Drivers must not use/ hold a phone or sat nav. whilst the vehicle engine is running.

1.5 Non-payment

- i. The driver shall not attempt to detain passengers in the vehicle following a non-payment, to prevent possible allegations of kidnap, assault etc.

1.6 Safeguarding

- i. All existing licensed drivers will be required to participate and undertake a safeguarding course and test, as required by this Local Authority, in order to obtain a pass certificate which must be produced within 1 calendar year of adoption of this policy or on renewal whichever is earlier. Failure to do so may result in suspension of the licence until successful completion of the test
- ii. As part of the Hackney Carriage and Private Hire driver application process all renewal applicants will be required to submit a current safeguarding certificate, no older than 3 months
- iii. It is the duty of the applicant to ensure that they have completed the course and passed the test in sufficient time before applying for a renewal licence. There is no limit for the number of attempts to complete the test, to be borne at the applicants' own expense, however no licence will be issued until a certificate is produced

1.7 Smoking

- i. Drivers must not smoke or allow someone to smoke in a licensed vehicle at any time.
- ii. For the avoidance of doubt, the Council also forbids the smoking of electronic cigarettes and vaping, whether by the driver or passengers.

1.8 Animals

- i. All drivers are obliged to carry passengers with guide, hearing and other assistance dogs unless they have been granted a medical exemption from the Council.
- ii. Drivers without an exemption who refuse or fail to take assistance dogs may be prosecuted by the passenger and may also be subject to enforcement action by the Council including suspension or revocation of the licence
- iii. No additional charge will be made for doing so.
- iv. When carrying such passengers, drivers must allow the assistance dog to remain under the physical control of the owner.

- v. A driver may not carry an animal owned by him, or in his custody, or that of the proprietor of the vehicle or its operator.

1.9 Prompt attendance

- i. The driver of a Private Hire Vehicle shall, if he or she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he or she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless unavoidably delayed or prevented.

1.10 Deposit of Licence

- i. If the driver is permitted or employed to drive a Private Hire Vehicle of which the proprietor is someone other than the driver, he or she shall before commencing to drive that vehicle deposit his or her license (or clear copy) with that proprietor for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his or hers.

1.11 Change of Address

- i. The holder of a Private Hire driver's licence shall, within seven days, notify the Council in writing of any change of address.

1.12 Convictions

- i. Drivers must notify the Licensing Authority in writing within 72 hours of any cautions, convictions or warnings including but not limited to driving endorsements, driving convictions, police warnings and reprimands, cautions, community service orders, restraining orders, fixed penalties immigration offences, or other relevant matters, including road traffic offences such as speeding imposed on him or her during the period of the licence.

1.13 Renewal Applications

- i. If a licensed driver fails to renew before the expiry of the licence, they will be required to apply as a new driver and meet all the requirements as set out in this Hackney Carriage and Private Hire Policy
- ii. It is the responsibility of the driver to ensure they apply for their renewal with all relevant supporting original documentation in good time, with a recommendation that the submission is not less than eight weeks before expiry to ensure continuity of the licence.

1.14 Multiple Licenses

- i. In the circumstance that a driver licence holder has multiple licences with other authorities it is their duty to inform South Cambridgeshire District Council and to additionally advise each authority of any changes in this respect.

1.15 DBS Update Service

- i. All licensed drivers will be required to subscribe to the DBS Update Service and renew on an annual basis to continue to hold a South Cambridgeshire District Council driver's licence
- ii. This authority will undertake an annual online check of the DBS Update Service for the applicant's current status
- iii. Where an individual fail to maintain their subscription before expiry they will be required to reapply for a new enhanced DBS check and register for the Update Service. Failure to do so will result in suspension of the licence until they have complied.

1.16 Driver badge

- i. The driver shall display any badge provided by the Council in such a manner as to be plainly visible to customers using the vehicle
- ii. The driver shall upon the expiry (without immediate renewal), revocation or suspension of his or her licence forthwith return to the Council the driver's badge issued to him or her by the Council when granting the licence
- iii. The badge shall remain the property of the Council

1.17 Vehicle Licence Plate Exemption

- i. The vehicle exemption certificate must be kept with the vehicle at all times.
- ii. The exemption certificate must be produced on request by any person travelling in the vehicle.
- iii. The driver, unless he or she is a holder of a Private Hire Vehicle Operator's Licence, shall upon the expiry (without immediate renewal), revocation or suspension of his or her licence forthwith return to the Council all vehicle licence exemption certificates issued to him or her by the Council.
- iv. The licence exemption certificate shall remain the property of the Council.

1.18 Conveyance of a Dead Body

- i. If the driver shall knowingly convey in the vehicle any dead body he or she shall, immediately thereafter, notify the fact to the Environmental Health Officer of the Council.

1.19 Health and Medical Conditions

- i. The driver hereby licensed shall within 7 days or as soon as practicable thereafter disclose to the Council in writing any medical condition which be would likely to adversely affect his/her ability to drive as a Private Hire and Hackney Carriage Driver during the period of the licence.
- ii. A group 2 medical report must be submitted with all new applications and every three years upon renewal, then annually when the applicant reaches 65 years

Important: Failure to comply with the code of conduct may prompt enforcement actions and may incur penalties

Appendix B - Previous Convictions Policy

1. General

- a) Once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. This Licensing Authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- b) Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- c) As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences

on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

- d) Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- e) Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- f) These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

2. Drivers

- a) As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- b) A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- c) As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- d) In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

3. Crimes resulting in death

- a) Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

4. Exploitation

- a) Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

5. Offences involving violence

- a) Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

6. Possession of a weapon

- a) Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

7. Sex and indecency offences

- a) Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- b) In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

8. Dishonesty

- a) Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

9. Drugs

- a) Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

- b) Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

10. Discrimination

- a) Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

11. Motoring convictions

- a) Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

12. Drink driving/driving under the influence of drugs/using a hand-held telephone or handheld device whilst driving

- a) Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- b) Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

13. Other motoring offences

- a) A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- b) A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

14. Hackney carriage and private hire offences

- a) Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

15. Vehicle use offences

- a) Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

16. Private Hire Operators

- a) A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.
- b) As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

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

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

18. Vehicle proprietors

- a) Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- b) Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- c) Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- d) As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- e) As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.