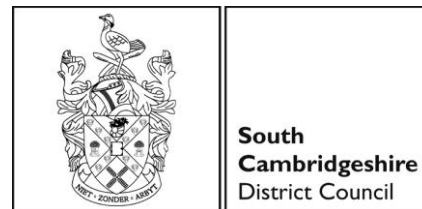


South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA

t: 03450 450 500

f: 01954 713149

[www.scambs.gov.uk](http://www.scambs.gov.uk)



19 October 2017

To: Chairman – Councillor Alex Riley  
Vice-Chairman – Councillor Raymond Matthews  
Members of the Licensing Committee – Councillors Val Barrett, Ruth Betson,  
Anna Bradnam, Nigel Cathcart, Graham Cone, Pippa Corney, Kevin Cuffley,  
Andrew Fraser, Jose Hales, Janet Lockwood, Cicely Murfitt, Charles Nightingale  
and Deborah Roberts

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **LICENSING COMMITTEE**, which will be held in **SWANSLEY ROOM A AND B - GROUND FLOOR** at South Cambridgeshire Hall on **FRIDAY, 27 OCTOBER 2017 at 10.00 a.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully  
**Beverly Agass**  
Chief Executive

**The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.**

---

	<b>AGENDA</b>	<b>PAGES</b>
1.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence from committee members.	
2.	<b>DECLARATIONS OF INTEREST</b>	
3.	<b>MINUTES OF PREVIOUS MEETING</b>	1 - 2
4.	<b>GRANTCHESTER STREET TRADING CONSENT</b>	3 - 26
5.	<b>HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND CONDITIONS</b>	27 - 106

## **OUR LONG-TERM VISION**

South Cambridgeshire will continue to be the best place to live, work and study in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment.

## **OUR VALUES**

We will demonstrate our corporate values in all our actions. These are:

- Working Together
- Integrity
- Dynamism
- Innovation

## **GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL**

### **Notes to help those people visiting the South Cambridgeshire District Council offices**

While we try to make sure that you stay safe when visiting South Cambridgeshire Hall, you also have a responsibility for your own safety, and that of others.

#### **Security**

When attending meetings in non-public areas of the Council offices you must report to Reception, sign in, and at all times wear the Visitor badge issued. Before leaving the building, please sign out and return the Visitor badge to Reception.

Public seating in meeting rooms is limited. For further details contact Democratic Services on 03450 450 500 or e-mail [democratic.services@scambs.gov.uk](mailto:democratic.services@scambs.gov.uk)

#### **Emergency and Evacuation**

In the event of a fire, a continuous alarm will sound. Leave the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park opposite the staff entrance

- **Do not** use the lifts to leave the building. If you are unable to use stairs by yourself, the emergency staircase landings have fire refuge areas, which give protection for a minimum of 1.5 hours. Press the alarm button and wait for help from Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

#### **First Aid**

If you feel unwell or need first aid, please alert a member of staff.

#### **Access for People with Disabilities**

We are committed to improving, for all members of the community, access to our agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can get both neck loops and earphones from Reception.

#### **Toilets**

Public toilets are available on each floor of the building next to the lifts.

#### **Recording of Business and Use of Mobile Phones**

We are open and transparent about how we make decisions. We allow recording, filming and photography at Council, Cabinet and other meetings, which members of the public can attend, so long as proceedings at the meeting are not disrupted. We also allow the use of social media during meetings to bring Council issues to the attention of a wider audience. To minimise disturbance to others attending the meeting, please switch your phone or other mobile device to silent / vibrate mode.

#### **Banners, Placards and similar items**

You are not allowed to bring into, or display at, any public meeting any banner, placard, poster or other similar item. Failure to do so, will result in the Chairman suspending the meeting until such items are removed.

#### **Disturbance by Public**

If a member of the public interrupts proceedings at a meeting, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The meeting will be suspended until order has been restored.

#### **Smoking**

Since 1 July 2008, South Cambridgeshire District Council has operated a Smoke Free Policy. No one is allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

#### **Food and Drink**

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. You are not allowed to bring food or drink into the meeting room.

This page is left blank intentionally.

# Agenda Item 3

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Licensing Committee held on  
Friday, 4 November 2016 at 10.00 a.m.

PRESENT: Councillor Alex Riley – Chairman  
Councillor Raymond Matthews – Vice-Chairman

Councillors: Val Barrett  
Nigel Cathcart  
Kevin Cuffley  
Jose Hales  
Cicely Murfitt

Anna Bradnam  
Graham Cone  
Andrew Fraser  
Janet Lockwood  
Charles Nightingale

Officers: Myles Bebbington  
John Goodwin  
Jen Holah  
Emma Knight

Head of Service - Environmental Services &  
Licensing  
Resources Officer  
Health, Environmental Services & Licensing  
Resource Team Manager  
Operational Manager, Communities Team

Apologies for absence were received from Councillor Richard Turner.

### 1. DECLARATIONS OF INTEREST

Councillor Kevin Cuffley declared a non pecuniary interest as the holder of a Private Hire Drivers licence. The Head of Service for Environmental Health and Licensing confirmed that as Councillor Cuffley had already taken the private hire test, the proposals being considered by the committee would not affect him as a private hire driver.

### 2. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on Monday 14 December 2016, were agreed as a correct record of the meeting.

### 3. PRIVATE HIRE AND HACKNEY CARRIAGE DRIVING TEST PROVISIONS

The Head of Service for Environmental Health and Licensing presented the report which informed the committee of the withdrawal by the Driving Standards Agency (now the Driving and Vehicle Standards Agency) to provide driving tests for new Hackney Carriage and Private Hire drivers licence applicants, and made recommendations for the future provision of formal driving tests.

The Committee was informed that:

- Having notified the Council of its intentions in October 2016, the Driving and Vehicle Standards Agency (DVSA) would be withdrawing the provision of these tests after 31 December 2016.
- Another test was available with the RoSPA, however it was thought that only having one test provider would put the Council at risk.
- 99% of new hackney carriage and private hire applicants took the DVSA test.
- The Department for Transport was considering guidance for taxi drivers regarding safeguarding. The Department for Transport advice will be considered when next

reviewing the conditions of licensing of Private Hire and Hackney Carriage Licenses.

- A report would be presented to the Committee in future regarding further training for drivers to address wider issues such as customer service and vulnerability.
- A computer test for hackney carriage drivers was being trialled. Once the trial was complete and had been reviewed, the adaptation of this for private hire drivers would be considered.

Driver language competency was discussed. Due to the implications of past case law, there was no language competency requirement for drivers. The Committee was informed that case law was now in place that would allow for a language competency requirement and this would be looked into.

Concern was raised regarding the amount of time it took applicants to get a booking for a driving test. The Head of Environmental Health and Licensing advised the Committee that the proposals outlined in the report would not speed up the process for taking the RoSPA test, however the recommendations if approved would give drivers the opportunity to take tests with other organisations, which may speed up the process.

The Head of Service for Environmental Health and Licensing explained the recommendations and proposed an additional recommendation which was that delegation be given to the Head of Service for Environmental Health and Licensing in agreement with the Corporate Director for Health and Environmental Services, to authorise a similar provider or providers on a temporary basis, subject to a report for consideration being prepared for the Licensing Committee within six months. The Chairman requested that should another provider be sought, that the Licensing Committee be notified of this by email.

The Licensing Committee **AGREED:**

- a) The adoption of the following Driver and Vehicle Standards Agency (DVSA) accredited driver assessment courses as approved formal driving tests, for all new applicants for Private Hire and Hackney Carriage drivers' badges:
  - Institute of Advanced Motorists – Driving for Work course.
  - Driving Instructors Association
  - AA Drive Tech – Driving for Work course.
  - RoSPA Advanced Driving Test.
- b) That delegation is given to the Head of Service for Environmental Health and Licensing, in agreement with the Corporate Director for Health and Environmental Services, to authorise a similar provider/providers on a temporary basis subject to Licensing Committee members being informed, and a report for consideration of approval being prepared for the Licensing Committee within six months.

---

**The Meeting ended at 10.24 a.m.**

---



**REPORT TO:** Licensing Committee

27 October 2017

**LEAD OFFICER:** Head of Service Environmental Health and Licensing

---

## **STREET TRADING CONSENT GRANTCHESTER REQUEST FOR RESOLUTION – GRANTCHESTER VILLAGE**

### **Purpose**

1. To refer a request by Grantchester Parish Council for the adoption by South Cambridgeshire District Council of Broadway in the village of Grantchester to be designated Consent Street under The Local Government (Miscellaneous Provisions) Act 1982 and subsequent publication of the required Public Notices to confirm adoption.

This is not a key decision, however, the Constitution requires the Licensing Committee to discharge the Council's statutory licensing functions.

### **Recommendations and Reasons**

2. That the Licensing Committee agrees or declines the request by Grantchester Parish Council, for Broadway in Grantchester village to be designated as a Consent Street.

### **Background**

3. Grantchester Parish Council requested that the street known as Broadway in the parish be designated as Consent Street so that trading could be controlled. The Licensing Committee held on 3 July 2017 agreed the outline request and to consult on the matter before making a final decision.
4. A Notice of Intention to designate Broadway in Grantchester was published in the local press on 9 August 2017, with a deadline of 8 September 2017.
5. We consulted with: - Parish Council; Local Member(s); Police; Highways Authority. Letters confirming the Notice of Intention were hand delivered to the residents of Broadway, Grantchester, Letters of objections and support were received – see **APPENDIX A**.

### **Considerations**

6. If Broadway, Grantchester was granted Consent Street Status, consultations would be made by the Council on any application made to trade on that road within the village. This would enable Parish Councils along with Police, Fire and Environmental Health to have an input into the consultation process and the final decision taken by South Cambridgeshire District Council. Police confirmed verbally that there had been no recorded incidents.

7. Adoption of Consent Street status means that conditions can be set to ensure that any licensed traders meet pre determined standards which include cleanliness, hours and areas of trading etc. By adopting this resolution it also gives power to South Cambridgeshire District Council to take enforcement action against traders operating unlawfully on the public highway

### Options

- 8.
- To approve the request from the Parish Council
  - To refuse the request from the Parish Council

### Implications

9. Financial	Fees and charges would form part of the application process for Street Traders, therefore generating revenue for the Council to recover its administration costs.
Legal	As included in the Report
Staffing	There are no additional Staffing implications
Risk Management	None
Equal Opportunities	The Licensing regime promotes equal opportunity
Climate Change	None

### Consultations

10. Notice was served on the Clerk to Grantchester Parish Council, the Director of Transportation, Local Councillors for Grantchester and the Chief of Police.

### Effect on Strategic Aims

11. The conclusion of the process for the adoption of the designation of consent Street Status for Broadway will enhance the village of Grantchester as a place in which its residents can feel proud to live.

### Conclusions / Summary

12. Authority is sought from the Licensing Committee to approve the request for Broadway in Grantchester village to be designated as Consent Street.
13. Once agreed by the Licensing Committee any person wishing to trade on Broadway in the Parish of Grantchester after 1 December 2017, would be required to make an application for a licence for Street Trading to this authority.

**Background Papers:** the following background papers were used in the preparation of this report:

Local Government (Miscellaneous Provisions) Act 1982

**Contact Officer:** John Goodwin – Regulatory Enforcement Officer  
Telephone: (01954) 713476



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is left blank intentionally.



**REPORT TO:** Licensing Committee  
Environmental Services Portfolio Holder

**LEAD OFFICER:** Director Health & Environmental Services

27 October 2017

---

## HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND CONDITIONS

### Purpose

1. The purpose of this report is to seek the Licensing Committee and Portfolio Holder's approval for a new draft Taxi Licensing Policy and amended conditions of licensing for Hackney Carriage and Private Hire vehicles, drivers and operators, for consultation.
2. This is not currently a key decision, but will become a key decision because the new Taxi Licensing Policy will be significant in terms of its effects on communities throughout the district, where taxi services are an integral part of the transport needs for rural areas.

### Recommendations

3. It is recommended that the Licensing Committee and Environmental Services Portfolio Holder approve the draft policy and conditions attached as appendices A to H, for public consultation between 1<sup>st</sup> November 2017 and 31<sup>st</sup> December 2017.

### Reasons for Recommendations

4. In order to adopt any changes of policy or conditions there is a requirement to consult and consider the views of those who may be affected either directly or indirectly from the changes proposed.

### Background

5. The Local Government (Miscellaneous Provisions) Act 1976 Part II and the Town Police Clauses Act 1847 creates a statutory duty for Local Authorities to licence Private Hire and Hackney Carriage vehicles, drivers and operators. In carrying out this function the Licensing Authority has a duty to ensure that public safety is paramount whether it is to prevent direct danger to the passenger from the driver of the vehicle or danger to the passenger and other members of society from the vehicle itself.
6. Under current legislation the Licensing Authority has the powers to impose policies and conditions that they consider reasonably necessary to provide a service that is accessible and safe and promotes the safety of the travelling public. Too restrictive an approach can work against the public interest, and could have safety implications by encouraging illegal operations or forcing the trade to licence elsewhere where conditions are less onerous, thereby losing regulatory control over drivers and vehicles working in our area. The provision of a service to the public should be accessible and safe.

7. The current licensing conditions have been in force since 2009 and cover conditions of licensing for drivers, operators and vehicles along with a policy on relevance of convictions and a handbook to act as guidance to licence holders and applicants.
8. In November 2016 it was agreed and reported to the Licensing Committee that a full review of all licensing conditions would be undertaken and a new comprehensive and robust Licensing Policy would be developed.
9. Officers have held four workshops that members were invited to attend, the purpose of which was to gain broad views on direction and content of any proposed new policy and conditions.
10. As part of the review, an overarching policy and a set of separate appendices covering specific conditions have been developed that reflect current good practice and are broadly consistent with neighbouring authorities. The documents and their changes are detailed below.

#### **Taxi Licensing Policy document**

11. This draft policy will if adopted replace the current Taxi Handbook which is a guidance document. Much of the information is transferred over in a revised format, however the policy has been updated to bring a summary review of our key expectations and principles in considering any application. In preparing the new policy and appendices where there are significant changes or entirely new sections added, these are highlighted in grey for specific consideration/decision by members. The key sections to consider are :-

#### **Main Licensing Policy document**

12.
  - Introduction of CCTV in vehicles,
  - Vehicle age and Livery
  - Private Hire plate exemption policy
  - Vehicle accessibility
  - Monitoring of drivers (Penalty Points)
  - Complaints Policy
  - Safeguarding
13. In addition some other key changes within existing information are ;-
  - Introduction of 3yearly medicals for all drivers
  - DBS checks to be completed on persons acting as operators only
  - Door signage
  - Knowledge test introduction
  - Conduct towards SCDC staff
  - Introduction of mandatory DBS update service as licensing requirement
14. In addition to the overarching there are a number of appendices which support the main policy and address licence specific conditions, the main changes and new appendices are outlined below:-

15. **Appendix A -Driver conditions**

- Equality Act
- Plate exemption
- Conveyance of passengers
- Conduct of driver

16. **Appendix B – Vehicle conditions**

- Environmentally friendly vehicles
- Age at first registration
- Wheelchair accessible vehicles – Hackney Carriage
- Colour and livery – Hackney Carriages
- Window tints
- Interior and exterior signage
- Additional wording to brakes, steering and seatbelt conditions

17. **Appendix C – Operator conditions**

- Change to reflect use of digital storage for information

18. **Appendix D – Plate exemptions policy**

- New policy relating to Plate exemptions ( chauffer work)

19. **Appendix E – Convictions policy**

- New Policy relating to cautions and convictions

20. **Appendix F**

- No change, existing Byelaws

21. **Appendix G**

- New policy on a penalty points scheme for drivers

22. **Appendix H**

- New policy on DBS update scheme

**Considerations**

23. In recommending the proposed draft policy and conditions, consideration has been given to the Department of Transport Best practise on Taxi & Private hire vehicle licensing, Local Government Association guidance and Institute of Licensing model convictions policy as well as policies currently in force with neighbouring authorities and the need to promote public safety.

24. The adoption of a comprehensive policy alongside more specific conditions will allow the authority to maintain high standards throughout the trade and will set expectations of conduct both to existing licence holders and prospective licence holders. The overarching aim of any policy or conditions is to ensure that protection of the travelling public is paramount in any decisions taken by this authority.

25. In preparing any policy, consideration must be given to the risks and benefits of adopting a policy that is too onerous to encourage take up by new applicants and existing trade :-

- Benefits:

A strict policy and conditions will contribute to those people applying for and holding a licence with South Cambridgeshire District Council meeting stringent standards that will help contribute to a higher professional standard and safety of the travelling public.

- Risk:

A licensing policy and conditions that are too onerous may encourage the trade to go elsewhere where conditions are lower to obtain a licence, and return to work in the South Cambridgeshire district. In such cases this authority would have no powers to enforce or regulate such activities.

Setting entry standards that are disproportionate or too onerous may lead to persons deliberately operating illegally due to the difficulty and cost of being licensed against the risk of being caught and the possible fines imposed by any court.

### **Options**

26. Members may agree one of the following options
- Agree the proposed draft policy and conditions as recommended
  - Reject the proposed draft policy and conditions.
  - Amend the draft policy and conditions attached

### **Implications**

27. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

#### ***Financial***

28. There are no significant implications.

#### ***Legal***

29. Any applicant for a licence or any existing licensee affected by a decision resulting from the introduction of new policies or conditions has a right of appeal to a Licensing sub-committee or a Magistrates Court.

#### ***Staffing***

30. There are no significant implications.

#### ***Risk Management***

31. There are no significant implications.

#### ***Equality and Diversity***

32. The licensing regime promotes equal opportunity.

### ***Climate Change***

33. Promotion of environmentally friendly vehicles will contribute to the reduction of harmful gasses in the atmosphere.

### **Consultation responses (including from the Youth Council)**

34. All existing licence holders will be consulted seeking their written views and comments on the proposed changes. In addition we will seek views from:-
- Hackney Carriage drivers and proprietors
  - Private Hire drivers and proprietors
  - South Cambridgeshire Private Hire operators
  - South Cambridgeshire DC Councillors
  - Parish Councillors
  - Local Children's Safeguarding Board
  - Neighbouring authorities
  - Local safeguarding board
  - Local Colleges
  - Bodies that represent the elderly
  - General Public
35. The draft policy and conditions will be available on the Councils webpage.
36. The consultation period will run from 1<sup>st</sup> November 2017 to 31<sup>st</sup> December 2017 the results of the consultation and any suggested amendments will be part of a final report to the Licensing Committee to approve the final policy and conditions.

### **Effect on Strategic Aims**

**Aim 1 - Living Well - Support our Communities to remain in good health whilst protecting the natural and built environment**

### **Background Papers**

Local Government (Miscellaneous Provisions) Act 1976  
Town Police Clauses Act 1847  
DFT Taxi & Private Hire Vehicle Licensing – best practise guidance  
Local Government Association Convictions guidance

**Report Author:** Myles Bebbington – Head of Service, Environmental Health and Licensing  
Telephone: (01954) 712922  
e-mail myles.bebbington@scambs.gov.uk

This page is left blank intentionally.



# Hackney Carriage and Private Hire Draft Licensing Policy



## Definitions

The Council	Means South Cambridgeshire District Council
The Licensing Authority	Means the licensing function within South Cambridgeshire District Council
The 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
The Licensing Committee	Is the committee which determine licensing matters as set out in the council constitution
Authorised Council Officer	A council officer who is authorised by the council to exercise powers and duties conferred by legislation
This Policy	Is this policy document and appendices
Applicant	Is a person or business who has submitted an application for either a grant or renewal of a licence
Licensed Vehicle	Is a vehicle which is licensed under 1847 Act as a hackney carriage or licensed under the 1976 Act as a private hire vehicle
Proprietor	Is the registered owner or part owner of a vehicle
Taximeter	Is the 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
Fare Card	Is a card which must be displayed in 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
The Licence Plate	The plate which licensed vehicles must display which shows the licence number, the maximum amount of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle
Date of First Registration	Means the date shown as the date of first registration on the vehicles V5 log book issued by DVLA
Driving licence	A full GB driving licence issued by DVLA or, EEA driving licence or, acceptable equivalent as defined by DVLA or appointed agency
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.
Badge	Issued to all licensed drivers and must be worn when working as a licensed driver
Operator	The business which invites and accepts bookings for private hire work
Private Hire Vehicle	A vehicle licensed under the 1976 Act
Private Hire Door Stickers	Door stickers which must be permanently affixed to the rear doors of private hire vehicles which display 'Private Hire vehicle – Insurance invalid unless pre-booked with an operator'
Hackney Carriage Vehicle	A vehicle licensed under the 1847 Act commonly referred to as a taxi
DVLA	Is the Driver and Vehicle Licensing Agency
DfT	Is the Department for Transport
DVSA	Driver and Vehicle Standards Agency (which replaced VOSA in 2014)
The Equality Act	Means the Equality Act 2010
Assistance Dog	Is a dog which is trained to assist people with disabilities to help them with their day to day life
Conditions	Mean the conditions of licence applied by the council to a driver's licence, an operator's licence or a vehicle licence.
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
Road Traffic Acts	Including all associated legislation
PSV	Means Public Service Vehicle
WAV	Wheelchair Accessible Vehicle
Byelaws	Locally adopted 'conditions' applicable to hackney carriage drivers
LGA	Local Government Association
IOL	Institute of Licensing

## **SECTION 1**

### **1. Introduction**

#### **Policy Purpose, Status and Scope**

- 1.1 The purpose of this policy is to provide guidance and information regarding the general approach taken by South Cambridgeshire District Council, when administering its functions within the legislative framework of the 1847 and 1976 Acts. It has traditionally exercised these responsibilities through a number of sets of conditions, byelaws, guidelines and procedures which have been developed and adopted over the years. It is widely considered best practice to create a unified policy that brings together all of these procedures and documents in one overarching policy.
- 1.2 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. 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.
- 1.3 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. This policy and the imposition of conditions found in the appendix documents are considered appropriate to address all these aspects.
- 1.4 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 and appendices.
- 1.5 In formulating this policy, consideration has been given to local circumstances and requirements and the DfT best practice guidance March 2010
- 1.6 Every decision, application and enforcement action will be considered on its own merits.
- 1.7 The council may depart from this policy if merited, but will provide clear and compelling reasons for doing so.
- 1.8 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.
- 1.9 It must be noted that vehicles and drivers licensed by different local authorities can be used for private hire purposes within this district. These vehicles and drivers are not subject to compliance with the conditions applied by this authority. But must still comply with their own local authority conditions and general law.

#### **Consultation and Revision**

- 1.10 The council will consult with stakeholders prior to the adoption of this policy, and for the further continuation and development of the policy.
- 1.11 Once adopted this policy and appendices 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.
- 1.12 The council will keep the policy and appendices 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. 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.

- 1.13 This being the first draft of the policy, will be consulted upon for 8 weeks from 1 November 2017 to 31 December 2017. Any responses to the consultation will be taken into consideration before determining and adopting the final policy. The final policy is expected to be in place no later than March 2018.
- 1.14 The consultation draft policy will be made freely available on the council's website and main council buildings. There will be a public notice in the local newspaper advising of the consultation and period.
- 1.15 Consultation will take place with the following:
- Hackney Carriage drivers and proprietors
  - Private Hire drivers and proprietors
  - South Cambridgeshire Private Hire operators
  - South Cambridgeshire DC Councillors
  - Parish Councillors
  - Local Children's Safeguarding
  - Neighbouring authorities
  - Local safeguarding board
  - Local Colleges
  - Bodies that represent the elderly
  - General Public

### **The Licensing Regime – General overview**

- 1.16 The primary legislation applicable is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Vehicles used for hire and reward 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. 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 PSV's; they are the responsibility of The Traffic Commissioner.
- 1.17 Any person who carries out hire and reward work without the correct licences, would be breaking the law and therefore would not have valid insurance. This can have serious consequences for all parties involved, if an accident or incident occurs.
- 1.18 In order to be licensed correctly the licenses must 'match', i.e. issued by the same local authority. A hackney carriage vehicle and the driver must be licensed by the same local authority. For private hire, the operator, driver and vehicle must be licensed by the same authority. This does not prohibit the operator subcontracting a booking to another operator licensed by a different local authority.
- 1.19 The legislation places a duty on the local authority to only licence those who are considered to be 'fit and proper'. 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".
- 1.20 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.
- 1.21 The aim of the legislation is to ensure that the public have reasonable access to these services and to ensure the public are protected. Public safety is paramount and has a wide scope; it includes public safeguarding, protecting vulnerable persons and public wellbeing. To achieve the aim of the legislation and to meet the obligations of the Acts, South Cambridgeshire District Council has set conditions and processes in place, which promote well run, safe and responsible businesses.
- 1.22 Other general law is also applicable such as the Highway Code, the Road Traffic Act, Health and Safety at Work Act, the Health Act 2006, the Equality Act 2010, etc. This is not a definitive list and not all applicable legislation is enforced or regulated by the council. South Cambridgeshire District Council expects licence holders to ensure that they keep up to date and comply with all applicable legislation.

## **Role of Hackney Carriage and Private Hire Trade and the difference between them**

- 1.23 The council recognises the importance of hackney carriage and private hire vehicles, drivers, proprietors and operators. They play an essential role in the provision of local transport for those who have difficulty getting about on public transport, those enjoying the night time economy, taking children to school etc., and are vital in helping to maintain a healthy local economy. They can often be the first point of contact for a visitor to the local area.
- 1.24 Whilst the general public do not always know the difference between a hackney carriage and a private hire vehicle, and often refer to both as taxis, there are significant distinctions in law, on how they are allowed to operate. However, both have equal importance.
- 1.25 Within the district in which a hackney carriage vehicle (and driver) are licensed, they are available for immediate hiring, they can be hailed (or flagged) in the street, can wait on a rank and be approached directly by a member of the public, 'ply for hire' in public places. They are not required to be booked via an operator. They must display a fare card within the vehicle which shows the current maximum fares to be charged as set by the local authority. In law, these are allowed to be called 'taxis' or 'cabs', and are sometimes also referred to as Black or London Cabs. Hackney carriages licensed by another local authority that operate within this district cannot ply for hire or wait on ranks. They may however be used for private hire purposes, i.e. make pre-booked journeys.
- 1.26 A private hire is not allowed to accept direct bookings from the public. They can only accept bookings from a licensed operator; they cannot operate independently, i.e. without a licensed operator. They cannot be hailed in the street or wait on ranks. If a private hire driver accepts a fare which has not been pre-booked through a licensed operator, they are committing an offence and potentially driving without valid insurance. The fares charged are not regulated by the authority, but must be agreed with the operator at the time of booking. Although, within district, where a private hire vehicle has a taximeter fitted, the fare charged cannot be more than would be charged by the taximeter fare. They are not allowed to use the term 'taxi' or 'cab' but may be called 'minicabs'.
- 1.27 In determining if a vehicle is being used for private hire purposes and needs to be licensed, the council will have regard to the guidance issued by DfT. See link below.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/3985/phv-licensing-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/3985/phv-licensing-guidance.pdf)
- 1.28 The conditions set by this council require both hackney carriages and private hire vehicles to display the licence plate on the rear of the vehicle. A hackney carriage is required to display a white plate and a private hire vehicle must display a yellow plate, unless exempted.

### **Information sharing**

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

### **Decision making**

- 1.32 Each application and enforcement action will be determined on its own merits. Determination of applications will be made in accordance with this policy and the council's constitution. Officers have authorisation to make decisions, but may also refer certain matters to the licensing committee if appropriate.
- 1.33 Enforcement actions will be in accordance with this policy, the council's enforcement and inspection policy and the Regulators' Code 2014.

- 1.34 Any person who has been refused a licence, or has had their licence revoked or suspended, or who believes that the imposition of a condition is unfair, may appeal to the Licensing Sub-Committee or the magistrate's court within 21 days of being given the decision.

### **Immigration Act – all licences**

- 1.35 The council has a statutory obligation to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licenses will be undertaken in accordance with the requirements of the Immigration Act 2016.
- 1.36 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. Any licence which has expired due to the person's immigration status must be returned to the council within 7 days.
- 1.37 A licence may be suspended or revoked or refused to be renewed if, since the grant of the licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.
- 1.38 Proprietors and operators also have an obligation to ensure that they only utilise 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.

### **Policing and Crime Act 2017**

- 1.39 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. If any changes to any parts of this policy or related appendixes are required when the guidance is released, they will be amended at the earliest opportunity.

## **SECTION 2**

### **2. General provisions for hackney carriages and private hire vehicles**

#### **Vehicles General**

- 2.1 South Cambridgeshire District council has not set a limit for the amount of hackney carriage vehicles it will licence. There is no provision for the council to limit the amount of private hire vehicles it licenses.
- 2.2 The maximum duration of a vehicle licence is one year, and there is no age limit to the amount of times the licence can be renewed providing it meets the criteria of the vehicle application process and conditions of licensing for vehicles – APPENDIX B.
- 2.3 If a renewal application has not been received at the end of the vehicles licensed period, the vehicle cannot be used for hire and reward purposes. 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 – APPENDIX B.
- 2.4 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.
- 2.5 Once a vehicle is licensed as either a private hire vehicle or a hackney carriage vehicle it remains a licensed vehicle until it is delicensed. This means that these vehicles can only be driven by licensed drivers.
- 2.6 Therefore partners of licensed drivers, who are not also licensed drivers themselves, are not permitted to drive licensed vehicles, even when the vehicle is considered 'off duty'. Any insurance policy which provides insurance for a licensed vehicle to an unlicensed person is likely to be invalid. Insurance policies are usually invalid if a driver is knowingly breaking the law by driving the vehicle.

- 2.7 Vehicles which accommodate more than 8 passengers cannot be licensed as a hackney carriage or private hire vehicle.
- 2.8 The council has set conditions applicable to the vehicle requirements, internal and external specifications, of the vehicles it will licence. These can be found in APPENDIX B for private hire vehicles and hackney carriage vehicles. There is a separate set of conditions applicable for Limousine and speciality vehicles, licensed as private hire vehicles, which can be found at the end of APPENDIX B
- 2.9 The council 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.
- 2.10 Whilst each application will be determined on its own merits, it is unlikely that the council would licence a vehicle which did not meet the licensing standards and specifications. Where a vehicle proprietor wishes to licence a vehicle which did not meet the specifications and standards, they are advised that an application would be refused and they would then have a right of appeal either with the Licensing sub-committee or at Magistrates court.
- 2.11 All expired plates must be returned to the council.
- 2.12 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.

### **Appearance**

- 2.13 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.
- 2.14 The exterior of the vehicle must be reasonably clean to ensure that passengers can board and alight the vehicle without getting soiled. Drivers are also reminded to ensure that the licence plate and registration plate remain clean and visible.
- 2.15 Any vehicle 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.
- 2.16 All licensed vehicles must display the licence plate on the outside at the rear of the vehicle, unless it is a private hire vehicle and has applied for and obtained an exemption plate certificate.
- 2.17 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.
- 2.18 The council will not permit any advertising which it considers inappropriate, therefore all advertising, (except for the operator name and telephone number), on or in vehicles must be approved prior to being placed on or in the vehicle.
- 2.19 Private hire vehicles must display on the rear passenger doors in a prominent location, permanently affixed (not magnetic) door signage. This signage must state 'Private hire vehicle – must be pre-booked with operator'.

### **Vehicle age and Livery policy**

- 2.20 The council must ensure that the travelling public are aware of the type of vehicle they are using. Any vehicle licensed by the council as a hackney carriage can only be white in colour, and must have the council emblem on the bonnet APPENDIX B (6i). This will help distinguish hackney carriages when travelling into Cambridge City and help to make it harder for driver and vehicle to "Ply for hire" in an area where they are not licensed to do so.

2.21 All Hackney Carriage vehicles must be side loading Wheelchair Accessible Vehicles (WAV's). New vehicles will need to comply with this immediately, and for those vehicles currently licensed as a Hackney Carriage they will have 3 years to comply. Failure to do so will result in the vehicle being de-licensed.

2.22 The age restrictions on when a vehicle is first granted a licence are set out in the boxes below. There is no upper age limit for when we would no longer licence a vehicle. as long as the vehicle has met the criteria set out within the vehicle licence application.

	<b>Hackney carriage</b>	<b>Private hire</b>
Maximum age at time of first being licensed	4 years old	4 years old
Maximum age at time of first being licensed for Exempt Executive vehicle	N/A	6 years old

### **Insurance**

2.23 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 an inadvertent criminal offence.

2.24 Applications for a new or renewal of a vehicle licence will require submission of proof of valid insurance which covers the vehicle and driver for hire and 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 [licensing@scams.gov.uk](mailto:licensing@scams.gov.uk)

### **Safety equipment**

2.25 All licensed vehicles must have a suitable and efficient fire extinguisher, which has a minimum capacity of 0.5kg, and 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. Both items must be indelibly marked with the council issued licence plate number and the vehicle registration mark.

### **CCTV in licensed vehicles**

2.26 The installation of CCTV in licensed vehicles can be both a deterrent to would-be trouble makers 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.

2.27 Drivers, proprietors and operators must notify the council prior to installation. They must be registered with the ICO (Information Commissioners Office) and comply with all aspects of data protection and CCTV codes of practice. Further information can be found on the following link <https://ico.org.uk/>

2.28 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.

2.29 CCTV must not be used to record conversations of the travelling public as it is highly intrusive. However some systems have panic buttons which can be activated by either the driver or passenger which can be used in extreme circumstances such as in response to a threat of physical violence. The footage may only be accessed by the Police or authorised officer of the council, not by either the proprietor or driver. Footage must be kept for not less than 28 days.



2.30 All vehicles must be fitted with approved CCTV system no later than 31 March 2020.

### **Vehicle testing**

- 2.31 Vehicles must be presented for vehicle testing at any of the appointed testing stations. Proprietors and or drivers, must book these appointments themselves directly with the chosen testing station. They must make sure that they organise the tests sufficiently in advance to ensure that the vehicle remains compliant with the vehicle testing requirements set out in the conditions (i.e. up to, but not exceeding, one calendar month before expiry).
- 2.32 Before an applicant takes a vehicle for an inspection they must ensure that it is roadworthy and that it complies with all of the Council vehicle conditions. Should the vehicle fail the test for any reason, then a re-test including a fee may be necessary in accordance with MoT guidelines.
- 2.33 Fees for the vehicle tests are separate to the fee for the vehicle licence and are charged at the discretion of the testing station.
- 2.34 Vehicles presented for the grant of a licence less than one year of age from first registration do not require a Certificate of Compliance or MoT. However, if the vehicle is again presented to renew that licence whilst the vehicle is still under one year old, a Certificate of Compliance and MoT will be required.
- Current inspection by licensing officer of all hackney carriage vehicles is to be included as part of the compliance check at the testing station. The forms will be updated to show this.

### **Accidents**

- 2.35 Any accident that causes damage which materially affects the safety, performance, appearance, or the comfort or convenience of the persons carried therein, must be reported to the council as soon as reasonably practicable, and in any case within 72 hours. Failure to report an accident within the given timeframe is an offence and may lead to suspension or revocation of the licence.
- 2.36 The driver involved in the accident must provide details on the council approved accident form to the licensing department of how, where and when the accident occurred. The damage to the vehicle must be assessed by an officer, by emailing photos to the licensing department together with the vehicles licence plate details, or inspection of the vehicle by agreement. If it is felt necessary a vehicle suspension notice will be issued. Failure to report an accident may result in suspension or revocation of both vehicle and driver licences.
- 2.37 Drivers, proprietors and operators are advised that the council may be contacted by insurance companies to verify an accident damage report and details provided.

### **Taximeters**

- 2.38 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.
- 2.39 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, 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.

### **Transfer of ownership of the vehicle**

- 2.40 If a proprietor wishes to transfer ownership of a licensed vehicle, they must complete the required application, providing full details of the new owner of the vehicle as soon as practically possible, and in any case within 14 days. A proprietor who fails to give such notice, without reasonable excuse, is guilty of an offence. 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 a new application.

### **Accessibility of vehicles**

- 2.41 The aim of the council is 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 to keep a record of all wheelchair accessible vehicles (WAV).
- 2.42 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 disabled people.
- 2.43 All hackney carriages licensed by this council must be wheelchair accessible vehicles (WAV). This is to ensure that disabled people are able to hire the vehicle on the spot with the minimum delay or inconvenience.
- 2.44 All licensed vehicles must convey assistance dogs for no additional charge. It is a breach of the Equality Act to refuse to carry an assistance dog, unless the driver has applied for and been issued with an exemption certificate.
- 2.45 The council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet and to ensure that no additional costs are levied by them or their drivers, for conveying disabled passengers or assistance dogs.
- 2.46 Private hire vehicles fitted with a tail lift for wheelchairs, must provide a valid LOLER (Lifting Operations Lifting Equipment Regulations) 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 HSE (Health and Safety Executive) requirements.

### **Funeral and wedding vehicles**

- 2.47 There is no requirement for a vehicle to be licensed as a private hire 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.
- 2.48 There is no requirement for a vehicle to be licensed as a private hire while it is being used in connection with a wedding.

### **Speciality Vehicles and Limousines**

- 2.49 Limousine and speciality vehicles are generally used for special occasions such as anniversaries, stag and hen parties, prom nights, etc. and may be vintage, specialist, or stretched vehicles.
- 2.50 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.
- 2.51 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 at the end of APPENDIX B.
- 2.52 The council strongly recommends that anyone wishing to purchase and licence 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.

## **Private hire exemption licence**

- 2.53 The council recognises that there is a specialist market for the use of unmarked hire and reward vehicles. For example, executives who wish to give the appearance of using a chauffeur driven car, or who wish an unmarked vehicle for security reasons. Such customers 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.
- 2.54 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.
- 2.55 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. It also exempts the driver from wearing his badge; however the driver must carry his badge with him so that it is immediately available. The vehicle will be issued with a licence plate, which must be kept within the vehicle at all times, along with a small identification disc to be displayed on the front nearside windscreen.
- 2.56 Vehicles which have been issued with an exemption certificate must not be used for general daily private hire work. Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.
- 2.57 Exempted vehicles must not display any advertisements, signage, logos, or insignias advertising the operating company inside or outside the vehicle.
- 2.58 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.
- 2.59 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 at APPENDIX D.
- 2.60 If an exemption certificate has been issued and 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.

## **Required information to be displayed inside all licensed vehicles – Internal Vehicle Notice**

- 2.61 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 utilised in order to progress their complaint or report their concern.  
Whilst licensed vehicles display their licence plate which contains identifying details, these are displayed on the outside of the vehicle. Members of the public do not routinely get the information off the licence plate prior to getting into a licensed vehicle. If they have a problematic journey, they may attempt to get the information, but this can be difficult if it is late at night or the vehicle quickly drives away.
- 2.62 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.  
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 an Internal Vehicle Notice.

2.63 An Internal Vehicle Notice must contain the following information and must be displayed in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle;

- The business name of the operator, or proprietor if it is a hackney carriage,
- The telephone number where a customer can make a complaint or report a concern,
- The vehicle registration number, and
- The vehicle licence plate number.

## **SECTION 3**

### **3. General provisions for hackney carriages and private hire drivers**

#### **Drivers general**

- 3.1 The council can only licence 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.
- 3.2 Therefore 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.
- 3.3 Applicants and existing licence holders are required to share information held about them by various bodies, such as DVLA, the police, medical information, right to work, immigration status, etc. The council can request any information it deems may 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.
- 3.4 In order to be eligible to apply to be a licensed driver, 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.
- 3.5 In order to be a licensed driver an applicant must first complete and pass the private hire or hackney carriage knowledge test. Once this has been successfully carried out they may submit a signed completed application form and fee, provide proof of right to work in the UK, provide a satisfactory DBS, DVLA and group 2 medical report, provide one recent full facial passport type photo, and provide a pass certificate from the DVSA driving assessment test which is dated less than 12 months old at the time of the application.
- 3.6 Driver licenses are generally issued for three year duration. They may be issued for a lesser period if appropriate, e.g. the applicant's right to work is of a shorter or limited duration. They may also be renewed, however, 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.
- 3.7 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 six weeks before expiry.
- 3.8 It is important that drivers notify the council of any significant changes which occur after their licence has been granted. Such as:
- a. Change of name, address, email address or telephone number. Email address is mandatory and must be supplied as all renewals will only be sent out electronically. Anyone requiring a paper copy must obtain it from reception
  - b. Change of immigration status
  - c. Changes in their health which may affect their driving ability
  - d. All convictions or cautions, DVLA penalty points etc.
  - e. Any other matter which may bring in to question their fit and proper status

- 3.9 All licensed drivers are required to wear their drivers badge whilst working as a licensed driver. Failure to comply is an offence under the 1976 Act and local byelaws. Drivers are reminded that the drivers badge remains the property of South Cambridgeshire District Council; all expired and surrendered badges must be returned to the council.
- 3.10 This council 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 licences they are required to submit two separate applications.

### **Suitability of driver**

- 3.11 Licensed drivers will come into contact with vulnerable people, drivers are expected to assist passengers with luggage, shopping etc., they will be driving for prolonged periods of time, and will have access to sensitive information, therefore the council must fully assess an applicants suitability prior to and after issuing a licence.
- 3.12 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 taken into account when assessing their fit and proper status. The onus is on the applicant or licenced driver to satisfy the council that they are and remain 'fit and proper'.
- 3.13 The council requires applicants to fulfil certain criteria to ensure that the public are protected and drivers are able to provide the service which is expected of them.
- 3.14 Applicants will be required to undertake and provide an Enhanced DBS (Disclosure and Barring Service) check and a medical health check to the DVLA group 2 standard, and share information held by DVLA, upon new and renewal applications. Additional information may be sought as part of the process if considered appropriate in individual circumstances.
- 3.15 Applicants who for both new and renewals, fail to report or declare an offence, or other relevant matter, will be taken particularly seriously. 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.

### **Application process**

- 3.16 Applicants must fully complete an application and provide the relevant paperwork required and fee. Where supporting documentation is required to be submitted, only the original document will be accepted, no photocopies or photographs of the original are allowed. Applicants who deliberately fail to declare or who make false statements on the application form or during the application process, will be refused a licence and may be subject to legal action if it constitutes fraud.
- 3.17 Applicants must be able to prove their immigration status and that they have a right to work in the UK.
- 3.18 New applicants must submit with their application, a pass certificate for the driving test taken with one of our DVSA approved providers.
- 3.19 New applicants must complete and pass the Taxi Knowledge test before they can submit either a hackney carriage driver or private hire driver application. There is a separate fee for this.
- 3.20 Applicants are required to produce an original Enhanced DBS certificate for the application to be considered. The certificate should be dated within one month from issue at the time of submission. An online application for an Enhanced DBS check can be carried out at any officially recognised body at the applicant's expense. In exceptional circumstances, should any applicant require the Council to complete the check on their behalf, a fee will be payable to the council at the time of the appointment.

- 3.21 Applicants should be aware that we will not allow any member of staff to be subjected to threatening, abusive, intimidating or violent behaviour either directly, by telephone or other methods of communication. In any of these circumstances staff members have the right to refuse to process the application. Under legislation anyone issued with a hackney carriage or private hire driving licence, operator or vehicle licence must be classed as “Fit and proper”. Any person exhibiting any of the above behaviour will have the application refused or licence revoked.

### **Convictions, cautions and related matters**

- 3.22 In considering fit and proper, the council will take into consideration any prior convictions and cautions. Therefore, all applicants for new and renewals 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 other relevant matters which may be held by the police about them. It does not prove an applicant’s right to work.
- 3.23 It is important that the council remain updated about relevant convictions after any licence has been granted. Therefore as per guidelines set out by the LGA, all drivers must register for the DBS Update Service and nominate the Council to receive updates. If not already registered for the service, an applicant will only be able to do so when the DBS certificate has been issued. This will then enable the council to use the DBS Update Service, Multiple Status Check Facility, see APPENDIX H.
- 3.24 Due to the type of work performed by licensed drivers, they do not fall under the Rehabilitation of Offenders Act. This means that what would be considered as spent, under the Rehabilitation of Offenders Act, are still taken into consideration when determining applications for licensed drivers.
- 3.25 Where convictions, cautions, reprimands or warnings appear on a DBS, it is not the place of the council to go behind the existence or reason of that conviction. Whilst mitigating circumstances may have applied at the time of the conviction, the council cannot re-try the conviction. Depending on the offence committed, applicants may be able to demonstrate that it was a ‘one off’; they acted out of character, so is unlikely to be repeated. Each application will be determined on its own merits.
- 3.26 Applicants who have not resided continuously in the UK for five years will be required to submit a Statement / Certificate of Good Conduct, authenticated by the relevant embassy of the country of residence, in addition to the Enhanced DBS certificate. This must be translated into English at the applicant’s expense. The Statement / Certificate of Good Conduct, must be no more than 3 months old at the time of submission.
- 3.27 The existence of a criminal conviction, caution, reprimand or warning does not necessarily preclude an applicant from obtaining a drivers licence. Conversely, the absence of any convictions or cautions does not mean that an applicant will be licensed. Each application will be determined on its own merits.
- 3.28 Further information is contained in the guidelines relating to the relevance of convictions, cautions, reprimands or warnings in relation to taxi licensing attached at APPENDIX E
- 3.29 Whilst each application is determined on its own merits, some offences are of such a serious nature that this authorities stance is that a licence will not be granted. Such as indecency offences relating to sexual assault, rape or murder.
- 3.30 Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensed driver even before a conviction if there is a “Pressing social need”. This ensures that where there is a public protection risk, the police will pass information onto a regulatory body to allow immediate action to mitigate any serious safeguarding risk. The CLPD replaces the Notifiable Occupation scheme which was withdrawn in March 2015.
- 3.31 Licensed drivers are obligated to notify the licensing department of any cautions, convictions, immigration offences, or other relevant matters, including road traffic offences such as speeding, which occur during or after the licence has been issued.
- 3.32 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, it will be taken particularly seriously. It shows a propensity towards dishonesty and questions the fit and proper status of the licence holder.

## **DVLA**

- 3.33 As driving is the predominant aspect of a licensed driver, the council needs to consider if applicants hold a valid driving licence and if the licence holder has been issued any penalty points.
- 3.34 As the paper counterpart of the driving licence was abolished in June 2015, applicants and licensed drivers will be required to share information held about them by completing and signing the DVLA mandate provided in the application pack.
- 3.35 Consideration of penalty points and driving offences will be made in accordance with the guidelines relating to the relevance of convictions / cautions in relation to taxi licensing which can be found at APPENDIX E

## **Medical Requirements**

- 3.36 It is essential that licensed drivers are in good health as they are expected to carry passengers' luggage, will drive on the road for longer periods than most car drivers, and may need to assist disabled passengers. The council must be satisfied that the drivers it licenses are sufficiently fit to undertake the tasks expected of them.
- 3.37 Being a licensed driver is a demanding role, safe driving requires the involvement of vision, hearing, attention, concentration, perception, good reaction time, judgement, coordination, muscle power and control etc. Therefore various body systems need to be functional for safe driving.
- 3.38 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 normal car drivers.
- 3.39 The DVLA, The Royal Society of Medicine and the DfT recommend and consider it best practice for licensed drivers (hackney carriage and private hire) to be subject to the DVLA group 2 medical requirements. The DVLA group 2 medical is a recognised national standard developed by DVLA for bus and lorry drivers.
- 3.40 To ensure that public safety is protected, the council has chosen to adopt this best practice and require all applicants to obtain and submit a group 2 medical report with their application for new and renewals.
- 3.41 Therefore applicants are required to undergo a medical examination by a registered general practitioner and submit the doctor's group 2 medical report with their application, to enable the council to consider their fitness to hold a licence.
- 3.42 The group 2 medical assessment must be completed by a doctor registered and licensed to practice in the UK or registered within the EU.
- 3.43 A group 2 medical report must be submitted with all new applications and every three years upon renewal and then annually thereafter when the applicant reaches 65 years old. Applicants must pay any fees to the registered medical practitioner for completing the medical and report. The medical assessment must be no older than three months at the time of submission with the relevant application.
- 3.44 Applicants must arrange and book these appointments themselves and provide photographic proof of identity to the registered medical practitioner. If the registered practitioner is unable to complete the vision assessment section of the medical, the applicant must arrange for an optician or optometrist to complete this part.
- 3.45 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 to not continue to drive following any deterioration in their health, or any health problems which could endanger the lives of the general public.

- 3.46 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. Drivers who have suffered whiplash must ensure that they have sufficient movement in the neck area to enable them to observe any potential hazards. If the council has any doubts about a driver's health and fitness after an accident the driver must submit a signed and stamped medical assessment form. Failure to do so could result in the suspension of the licence.

### **Driver & Vehicle Standards Agency - Driving Assessment Test**

- 3.47 Before any application can be made, new applicants must have successfully completed the approved council driving test as outlined in the documentation set out in the application pack. This includes details of the approved providers with their relevant contact information.
- 3.48 Applicants for a hackney carriage licence will be required to undertake the disability access section of the driving assessment test.
- 3.49 The tests will be conducted using the applicant's vehicle which must be roadworthy. The assessor will not carry out the test if the vehicle appears unroadworthy and the fee may be lost.
- 3.50 If the test is passed successfully the applicant will be issued with a certificate. This will only remain valid for 12 months and must be presented as part of the subsequent application.

### **Service Expectations**

- 3.51 The council and the travelling public expect licensed drivers to provide good customer service and behave in a civil and courteous manner. They are expected to be clean and smart in their appearance. The vehicle must also be clean, presentable and roadworthy. They are expected to provide reasonable assistance with luggage or shopping and provide a written receipt if requested. Arrive at the appointed time and not prolong any journey. As professional occupational drivers, they are expected to drive with consideration to other road users and weather conditions.
- 3.52 Drivers must be aware of and comply with the conditions applied by this council and other appropriate legislation. Drivers who fail to observe these requirements may be subject to enforcement action which could lead to suspension or revocation of the licence. Licensed driver conditions shown at APPENDIX A.
- 3.53 In addition to primary legislation Hackney carriage drivers are also conditioned by way of Byelaws which are attached at APPENDIX F.
- 3.54 Drivers must not operate any equipment which may distract them whilst driving. 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.
- 3.55 Drivers must be aware of their obligations under the Equality Act to provide a service and assistance to passengers with mobility problems, disabilities and to take assistance dogs, without extra charge.
- 3.56 Drivers who refuse or fail to take assistance dogs without an exemption certificate may be prosecuted by the passenger and may also be subject to enforcement action by the council including suspension or revocation of the licence.
- 3.57 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.

### **Assistance Dog Exemption certificate**

- 3.58 Drivers may apply for an exemption certificate if, for health reasons, they are unable to take assistance dogs. Exemption certificates can only be issued on health grounds. 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.



- 3.59 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. The certificate must also be on display in the vehicle.

### **Idling offence environmental impact**

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

### **Monitoring of licensed drivers – trigger points**

- 3.61 In the interests of public safety, the council has a duty to ensure that licensed drivers remain fit and proper and will intervene where appropriate. Complaints made to the council are recorded and monitored.
- 3.62 Where serious complaints bring in to question a driver's fit and proper status are received they are investigated and appropriate action is taken. Less serious complaints and minor infringements are not investigated to the same degree, but the accumulation of several complaints and infringements about the same driver could highlight that there is a cause for concern and will not go unnoticed. It could highlight a training need, a lack of understanding of conditions or legislation, or a failure to provide good customer care.
- 3.63 In the interests of clarity, the council has determined to introduce a trigger point 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.
- 3.64 Trigger point one will be reached if three complaints are received regarding the same driver within a six month rolling period. Where this occurs an officer will review the driver's record and the issues which lead to the trigger point being activated. This may highlight an issue which requires the officer to contact the driver and or proprietor or operator. The officer may ask the driver to attend the council offices, to ascertain if support can be offered or if appropriate enforcement action needs to be taken, or if no action is required.
- 3.65 Trigger point two will be reached if during a further period of six months another two complaints are received. Where this occurs the officer will again review the driver's record and the driver will be requested to attend an interview to discuss the individual circumstances, merits or concerns which lead to the trigger point being activated. The officer may also contact the proprietor or operator where appropriate, and may consider enforcement action.
- 3.66 Trigger point three will be reached if a complaint of a serious nature and or a breach of certain conditions or legislation occur. It will also be reached if during the period of 12 months six complaints are received. When trigger point three is reached this may lead to a formal warning, prosecution, immediate suspension, or revocation of the driver's licence, even in the first instance, where there is an immediate public safety risk.

For another type of complaints system see APPENDIX G

## **SECTION 4**

### **4 Operators**

#### **General**

- 4.1 The legislation requires 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.
- 4.2 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.
- 4.3 The acceptance of bookings may be provided 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.

- 4.4 The legislation requires the authority to only licence operators who are considered to be fit and proper to hold an operators licence and who are not disqualified by reason of their immigration status.
- 4.5 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.
- 4.6 Operators can only utilise drivers and vehicles that are correctly licensed. Operators, who fail to ensure that the drivers and vehicles they utilise have valid licenses, are guilty of an offence and will be subject to enforcement action.
- 4.7 An operator's licence is usually granted for five year duration, but may be granted for a lesser duration if requested to do so in writing or if the applicant's immigration status limits it to a shorter duration.
- 4.8 There is no provision within the legislation to transfer an operator's licence. New applicants must be subject to the fit and proper test and new premises must also be assessed for suitability.
- 4.9 An operator's licence cannot be issued to persons who do not have the right to work in the UK. A licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies, the person must immediately cease to operate and return their operators licence to the council within 7 days.
- 4.10 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.
- 4.11 Operators are required by law to keep a record of bookings and records relating to each and every vehicle operated by the operator. 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 Operators conditions at APPENDIX C

#### **Application – suitability of applicant**

- 4.12 Operators are generally the owners of the private hire business. They have access to private information, are responsible for ensuring they only utilise properly licensed, insured and safe vehicles and drivers, therefore the council is required to ensure that they are also fit and proper.
- 4.13 The council requires applicants to complete the application and submit it with the appropriate fee, with supporting documentation, which will be used to establish that they are fit and proper to hold an operators licence. The supporting documents must be the originals, not photocopies or photographs.
- 4.14 Operators who are not also licensed drivers are required to submit a basic DBS disclosure. The basic disclosure will list any current convictions and cautions, but nothing which is considered spent under the Rehabilitation of Offenders Act. The reason is that operators do not necessarily have close contact with vulnerable persons, but do have access to personal information.
- 4.15 Applicants for operator's licences are required to provide details of their name and address. The address where they intend to operate the business, any trade or business activities s/he has carried on before making the application, any prior applications made for an operators licence, if any prior operators licence has been suspended or revoked, details of any convictions. This includes any convictions where applicants or those associated in running the business have been convicted of any offences. This is to ensure that those involved in the operation of the business are fit and proper to operate a business.
- 4.16 Applicants who intend to operate a radio system will be required to provide proof of their licence from Ofcom. This licence was previously issued by the Department of Trade and Industry but changed to Ofcom in 2003.

- 4.17 The council will not grant a licence to an operator whose premises are located outside our area. 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. For those with Operator licences issued before 1 October 2017 the premises are permitted to be up to 5 miles outside the district boundary.

### **Suitability of premises**

- 4.18 When considering an application for an operators licence at new premises, consideration will be given to the location, the vicinity, facilities, parking arrangements. 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. However this would be enforced by the planning department.
- 4.19 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.
- 4.20 If the property is a Council property, Housing Association or rented privately any applicants should seek written permission from the landlord to operate a private hire business from the premises.

### **Operator's responsibilities and obligations**

- 4.21 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 operators conditions attached at APPENDIX C.
- 4.22 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.
- 4.23 Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licences the operator and driven by a driver also licensed by that same authority.
- 4.24 It is not expected that subcontracting of bookings would be common place. Customers who book through a South Cambs operator would expect a vehicle and driver also licensed by this authority. The conditions and standards applied by this authority may be of a higher standard than some other local authorities, as such the subcontracted vehicle and driver may not meet the customer's expectations.
- 4.25 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. The legislation permits these bookings and the council cannot get involved in these private hire contracts. Operators should aspire to ensure that their drivers and vehicles provide the highest standard of service, so that they are the operator of choice.
- 4.26 Operators need to be aware of their obligations when it comes to data protection. Where data bases containing personal information, such as records of bookings are maintained electronically or if they have CCTV, they are required to be registered with the Information Commissioners Office (ICO). Further information including a self-assessment, can be found on the following links;  
<https://ico.org.uk/for-organisations/register/>  
<https://ico.org.uk/for-organisations/register/self-assessment/>  
<https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>
- 4.27 Operators must ensure they have all the correct insurances in place for the vehicles and drivers they utilise. Those who provide a waiting area for clients must ensure that they have valid public liability insurance.
- 4.28 Operators must make customers fully aware of 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.

- 4.29 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.
- 4.30 The council 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.
- 4.31 Operators who provide wheelchair accessible vehicles must ensure that the driver is appropriately trained to safely load, unload and convey passengers in a safe and secure manner. This training must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.
- 4.32 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.
- 4.33 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.

### **Complaint Policy**

- 4.34 As responsible business owners, operators will understand that the drivers and vehicles they utilise represent their business when undertaking bookings. Operators will want to ensure good customer service, as this builds a respected reputation, resulting in repeat bookings and a successful business. Where vehicles or drivers fail to provide a good service, the operators business can suffer.
- 4.35 Whilst a vast majority of bookings take place without problem, there are occasions where a customer has cause for concern or complaint. Aggrieved customers have a right to complain if the service provided fails to meet expectations. It is also right for responsible operators to attempt to find an amicable resolution to the complaint, without any unnecessary regulatory burden or intervention.
- 4.36 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 maintain records of complaints received.
- 4.37 A copy of the complaints policy and procedure must be given to the council and will be required with all new and renewal applications.
- 4.38 The complaint records must detail specific information, be monitored, and be made available to authorised officers upon request.
- 4.39 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.
- 4.40 Operators must also inform the complainant, that they can further their complaint to the council if they remain dissatisfied with the outcome of their complaint.

4.41 If an operator is made aware of a safeguarding or serious complaint concerning the fitness of a driver, they must notify the licensing department immediately and provide details of the actions taken by the operator.

4.42 Operators must ensure that the vehicles they utilise display a correctly completed complaints contact notice (See section 2.69 for further information) and door signage

## **SECTION 5**

### **5. Safeguarding**

Safeguarding includes children, young people, vulnerable adults and includes activities such as (but not exhaustively) modern day slavery, grooming, sexual exploitation of adults or children, domestic violence.

5.1 Safety, security and welfare apply to passengers and licensed drivers. Licensed drivers deal with strangers, they work alone often late at night, carry cash and may be at risk of violence, non-payment of fares, verbal abuse etc. Proprietors and operators must consider these factors when determining what safeguarding measures should be in place. The use of CCTV in licensed vehicles, is a condition of licence.

5.2 Child Sexual Exploitation (CSE) is a form of child abuse. It can involve sexual abuse, physical abuse, and emotional abuse of children by adults. Licensed drivers, proprietors and operators provide a public service and have a duty of care to all passengers. They also have a moral and social responsibility to report concerns about someone who is vulnerable. Should a licensed driver, proprietor or operator have any concerns about the vulnerability of a child or public safeguarding they must report this immediately as it may prevent the vulnerable child from becoming a victim. Reports of imminent danger should be made to the police on 999. Where there is no immediate danger, or you wish to pass on some information or intelligence please call 101.

5.3 All drivers will be required to take part in a safeguarding course as set out by the council in order to obtain a recognised certification. **Still to be set up.**

## **SECTION 6**

### **6. Enforcement**

6.1 The council has a responsibility to ensure that all licence holders adhere to the standards and conditions applied by this authority and the legislation.

6.2 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.

6.3 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 a breach of the legislation or condition imposed on a licence, or byelaw, or this policy.

6.4 Offences under legislation outside that applicable to private hire and hackney carriages may be considered, if they call into question the fit and proper status of the licence holder.

6.5 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.

6.6 Some breaches of legislation cannot be enforced by the council, but will be enforced where appropriate, by other partner agencies, e.g. the Police, DVSA, the Home Office etc.

6.7 Every enforcement action taken by the council will be determined on the individual circumstances; will be in accordance with this policy, the councils Enforcement and Inspection policy and the Regulators Code 2014.

6.8 There are a range of sanctions and actions which may be taken by the council, e.g. prosecution, suspension, revocation, refusal to renew, 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.

- 6.9 Prosecutions will be taken where it is in the public interest.
- 6.10 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.
- 6.11 Where an applicant or licence holder is aggrieved by the councils 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.
- 6.12 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. The options for this are: -
- Penalty Points Enforcement System as used by Rother District Council – attached as APPENDIX G; or
  - Trigger Points System as mentioned at section 3.60.

## **SECTION 7**

### **7. Fees, Charges and Refunds**

- 7.1 The licence fees applied by this council 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.
- 7.2 The council sets the maximum fares which can be charged by hackney carriage vehicles within its district. This does not prohibit a driver from charging less than the fare shown on the meter.
- 7.3 The council has no power to regulate the fares charged by private hire operators; they are a private contract between the customer and the operator. Operators are required to display any additional fees which may be charged e.g. for waiting time or for cleaning a soiled vehicle.
- 7.4 Requests for refunds by licence holders must be made in writing in order to be considered.

## **APPENDICES**

South Cambridgeshire District Council Conditions of Fitness for Hackney Carriage Vehicles  
Appendix A - South Cambridgeshire District Council Licence Conditions – Driver Licences

Appendix B - South Cambridgeshire District Council Vehicle Licence Conditions – Private Hire & Hackney Carriage, incorporating conditions for Limousines & Speciality Vehicles

Appendix C - South Cambridgeshire District Council Private Hire Operator Licence Conditions

Appendix D - South Cambridgeshire District Council – Private Hire vehicle plate exemption policy and Conditions

Appendix E - Guidelines Relating to the Relevance of Convictions / Cautions in relation to Taxi Licensing

Appendix F - South Cambridgeshire District Council Hackney Carriage Bylaws

Appendix G – Penalty Points System, Rother DC

This page is left blank intentionally.



## Licence Conditions – Driver Licences

As a South Cambridgeshire Private Hire or Hackney Carriage Driver you are NOT permitted to ply for hire outside of the South Cambridgeshire District boundary and specifically in the Cambridge City Boundary or at any of the taxi ranks within that area, which includes the City Railway Station.

Any person caught doing so will be subject to investigation for breach of licence conditions with the possibility of suspension or revocation of their licence.

### 1. Touting or Soliciting

The driver shall not while driving or in charge of a Private Hire Vehicle -

- a. tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle;
- b. 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 except where such offer is first communicated to the driver by telephone or similar device (i.e. radio) fitted to that vehicle.

### 2. Conduct of Driver

The driver shall -

- a. afford all reasonable assistance with passengers' luggage;
- b. at all times be clean and respectable in dress and person and behave in a polite and orderly manner;
- c. take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;
- d. not drink or eat in the vehicle during the course of a hiring without the express consent of the passengers;
- e. 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; and
- f. at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle being driven to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

### 3. Passengers

- a. The driver shall not convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle, provided however, for this purpose.
- b. The driver shall not allow any lone person to be conveyed in the front of any licensed vehicle:
  - i) or, more than one person.
- c. At all times the driver shall ensure compliance with any relevant regulations regarding seat belt and restraints.
- d. The driver shall not without the consent of the passengers convey or permit to be conveyed any other person in that vehicle.
- e. It is the driver's responsibility to ensure that for every journey there is appropriate third party insurance cover in the event of all passengers' personal injury.

### 4. Lost Property

- a. 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.
- b. If any property accidentally left in a licensed vehicle by any person who may have been conveyed therein is found by or handed in to the driver, he or she shall take it as soon as possible and in any event within twenty-four hours if no sooner claimed by or on behalf of its owner to the nearest Police Station and leave it in the custody of Officer in charge of the Police Station on their giving a receipt for it.

### 5. Written Receipts

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

## 6. Fare to Be Demanded

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 taxi meter.

The driver of a Hackney Carriage shall not demand from any hirer of a licensed vehicle any fare greater than that shown on the face of the taxi meter.

## 7. Animals

The driver shall not convey in any licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle and he or she shall ensure that any animal belonging to or in the custody of any passenger is adequately restrained and kept in such a position so as not to distract the driver or otherwise be a cause of danger or nuisance. In the case of hackney carriages guide dogs accompanied by their owners shall be carried free of charge.

The Equality Act 2010 – Licensed drivers of Taxis and Private Hire Vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so.

This act means that no Taxi or Private Hire vehicle in this District may refuse to carry an assistance dog of a passenger, unless they hold a valid medical exemption notice. This exemption order is only issued if you have a medical condition that prevents you from the carriage of animals.

## 8. Prompt Attendance (Private Hire Vehicles Only)

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.

## 9. Deposit of Licence (Private Hire Vehicles Only)

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 licence 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.

## 10. Change of Address

The licensee driver shall notify the Licensing Officer in writing of any change of his or her address during the period of the licence within seven days of such change taking place.

## 11. Convictions

Any licensed driver shall within seven days disclose to the Licensing Officer in writing details of any conviction, caution, reprimand or warning imposed on him or her during the period of the licence.

## 12. Renewal/New Applications

The driver shall, prior to the date of the licence expiry (see guidance notes for process times for applications) make application to the Authority for a renewal. If an application for renewal is not received by the renewal date the licence will lapse.

- a. Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice. In most cases of non-renewal especially with regard to vehicle licensing the third party insurances are placed in jeopardy.
- b. All new drivers to undertake and pass the council approved safeguarding course.
- c. All new applicants will be required to take and pass the SCDC knowledge test.
- d. All new drivers are to undertake the DVSA Council approved driving test before being granted a licence. Existing drivers will normally be exempt from this requirement. However in individual cases where complaints of bad driving or serious driving offences are upheld, The Corporate Manager for Health & Environment may require a driver to take the test to prove they are fit and proper to hold such a licence. A serious driving offence may include persons who have accrued 9 points for totting up offences within a 12 month period.
- e. Any driver obtaining a Private Hire or Hackney Carriage Driver licence with a foreign EU or exchangeable licence as permitted under the Local Government (Miscellaneous provisions) Act 1976 part II will only be granted a licence for one year. Any subsequent application must be made using a full GB licence.
- f. Applicants from the European Union with permissions to undertake Private Hire or Hackney Carriage

type work will be required to submit a certificate of good conduct signed and stamped by the relevant embassy. The certificate must be translated into English and delivered as part of the application. This will only apply to applicants who cannot provide a full and continuous 5 year residency in the UK.

- g. All drivers must register for the DBS (Disclosure & Barring Service) update service, and must nominate the Council to receive updates.

### **13. Driver Badge**

The driver shall, when hired, display any badge provided by the Council in such a manner as to be plainly visible to customers using the vehicle.

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. The badge shall remain the property of the Council.

### **14. Vehicle Licence Plate Exemption**

- a) The driver shall not drive for hire or reward any unlicensed vehicle, nor any licensed vehicle that is issued with an exemption certificate, if the certificate is not kept with the vehicle.
- b) 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.
- c) The licence exemption certificate shall remain the property of the Council.

### **15. Conveyance of Dead Body**

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

### **16. Health and Medical Conditions**

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

### **17. Failure to Comply With Conditions**

Failure to comply with any of these conditions may result in the Council suspending, revoking or refusing to renew the licence and in certain circumstances prosecution.

### **18. Right of Appeal**

Anyone with a licence under Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847 and aggrieved by any of the conditions attached to the licence may appeal to a Magistrates' Court within twenty-one days of the grant of the licence.

This page is left blank intentionally.

## Vehicle Licence Conditions – Private Hire & Hackney Carriages

As a South Cambridgeshire Private Hire or Hackney Carriage Driver you are NOT permitted to ply for hire in the Cambridge City Boundary or at any of the taxi ranks within that area, which includes the Railway Station. Any person caught doing so will be subject to investigation for breach of licence conditions with the possibility of suspension or revocation of their licence.

### 1. Type of Vehicle

The vehicle must be safe, comfortable and suitable in type, size and design for use as a private hire vehicle and must be:

- a) Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage; a London" type taxi cab finished in the manufacturers standard colour; or
- b) A standard private hire vehicle finished in the manufacturers standard colour with a minimum of four doors not including the tailgate (unless specifically adapted to be used as an access or egress point); or
- c) A vehicle specially adapted to carry disabled persons and approved by the council and;
- d) Environmentally friendly vehicles such as hybrid vehicles, electric or LPG vehicles, and Four x Four (4x4) and Sports Utility Vehicles (SUV's) will be considered on their individual merits
- e) No more than four years old from the date of first registration when first presented for licensing. Luxury executive vehicles used for chauffeuring work may, at the discretion of the Licensing Officer be given an exemption to this condition, subject to no vehicle being more than six years of age from the date of first registration; and
- f) In a condition so as to comply at all times with all statutory requirements. (Testing by the council or its appointed agents does not avoid the need for a Certificate Of Compliance (CoC) for all vehicles more than one year old. The certificate (CoC) must be produced when submitting a vehicle application and must be no more than one calendar month old
- g) Where by the removal of seats, a vehicle original seating capacity is reduced to the maximum capacity of eight passenger seats, the redundant seat mountings must be rendered unusable. This must be done in such a way as to prevent the easy re-fitment of seats.
- h) Hackney Carriage – The vehicle must be capable of safely loading, transporting and unloading a wheelchair bound passenger from the side of the vehicle.
- i) Hackney Carriage Facilities for the Disabled
  1. Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraints. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other.
  2. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried in the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
  3. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. the minimum angle of a hinged door when opened must be 90 degrees
  4. The clear height of the doorway must be not less than 1.2 metres.
  5. Grab handles must be placed at door entrances to assist the elderly and disabled, and must be contrasting in colour.
  6. The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements: -
    - Be not more than 380mm from the ground, (measured at the centre of the tread width);
    - The surface shall be covered in a slip-resistant material;
    - Have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

Should any entrance be more than 380mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following

requirements: -

- Not be more than 380mm in height from the ground, (measured at the centre of the step width);
  - Not be less than 250mm deep;
  - The surface shall be covered in a slip-resistant material;
  - Have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
  - Not be capable of operation whilst the vehicle is in motion;
  - If automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
  - Can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is folded or retracted.
7. The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.
8. Where seats are placed facing each other, there must be a minimum space of 350mm between any part of the front seat and any part of any other seat that faces it, provided adequate foot room is maintained at floor level.
9. Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.
10. A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must be 70cm wide, as a minimum, and comprise a single non-slip surface. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

## 2. Maintenance of Vehicle

- a) **Lighting Equipment** – All front and rear lamps including headlamps, stop lamps, directional indicators, hazard lamps and fog lamps, shall be fully operational. Also lamp lenses shall be clean and free from any chips or cracks which affect the beam pattern, or allow moisture to enter the light casing. Reflectors should be free of corrosion or similar defects
- b) **Steering and Suspension** – The steering shall be fully operational and comply with DVSA inspection regulations. The suspension shall be fully operational, free from any leaks and with no excessive bounce. All components to be in good working order. **The fitting of part worn or second hand parts are not permitted.**
- c) **Brakes** – All brakes including the foot and handbrakes shall be in good working order and pull evenly in accordance with DVSA inspection regulations. All vehicles must be fitted with a high level brake light, **the fitting of part worn or second hand parts are not permitted.**
- d) **Tyres and Wheels** – All vehicles shall carry in accordance with manufacturers' recommendations a correct fitting spare wheel and tyre and all necessary tools for wheel changing. All tyres including the spare tyre should be in a roadworthy condition and comply with all relevant statutory requirements. Tyre should be of either all radial or all cross ply design; **the fitting of part worn or second hand tyres are not permitted.**
- e) **Seatbelts** – All vehicles shall have fully operational seatbelts in the front and rear to accommodate all passengers. Seatbelts should be in good condition and should not be frayed or torn. All seatbelts shall be mounted to the vehicle body (not to vehicle seats unless specifically designed to do so) and adequately secured. **The fitting of part worn or second hand parts are not permitted.**
- f) **Horn** – The vehicles horn shall be fully operational and adequately audible.
- g) **Heater and ventilation** – The vehicle shall be fitted with a fully operational heater, which can be adjusted according to the needs of the passengers. Passengers must be able to operate the windows independently.
- h) **Wipers and Washers** – The correct size wiper blades shall be fitted and shall not be torn or frayed. The windscreen washers should operate correctly and fully.

## 3. Coachwork – vehicles must comply with the following:

- a) The width of the rear part of the body, measured from internal armrest to internal armrest should be a

minimum of 1.28m. This measurement to be made with both rear doors closed

- b) The minimum legroom for passengers using the rear seats shall be 22cms, the measurement to be taken from the rear door pillar to the nearest point of the rear seat squab
- c) All doors shall be capable of being opened from both the inside and the outside and to an angle of at least 60 degrees. Two windows capable of being adjusted and secured in any open or partly open position shall be fitted
- d) All glass fitted shall be safety glass, i.e. glass that if fractured does not fly into fragments capable of causing severe cuts
- e) Glass, either in the window, windscreen or other part of the vehicle shall not be broken or discoloured and shall be free from cracks in accordance with DVSA regulations. **Aftermarket window tints shall not be fitted to any windows.**
- f) All coachwork shall be maintained in a clean condition and in a proper state of repair; and
- g) If the vehicle is an estate or hatchback type car it must be fitted with a guardrail or other device of a type approved by the Council to separate the rear loading area from the passengers

#### 4. General

- a) The vehicle must be fitted with an internal rear view mirror and on both sides with external rear view mirrors
- b) The two way radio equipment may not be installed without the prior approval of the councils Licensing Officer, who may specify the position of the equipment to ensure safe operation
- c) All parts of the vehicle, its fittings and equipment both internal and external must be kept in an efficient, safe and clean condition and comply at all times with all relevant statutory requirements; and
- d) The vehicle must at all times be insured to the satisfaction of the Council for fare paying passengers
- e) The proprietor/driver shall ensure that at all times whilst the vehicle is used on public roads, there is a current vehicle excise licence in force for the vehicle
- f) Hackney Carriage vehicles shall at all times have a fare table issued by South Cambridgeshire District Council displayed within the vehicle in a clear and prominent manner
- g) At least two No Smoking signs are to be displayed within the vehicle

#### 5. Safety Equipment

The proprietor shall provide and maintain in good working order in the vehicle:

- a) An efficient fire extinguisher (minimum capacity 0.6kg) carried in a position so as to be readily available for use; with the plate identification number issued by the council, and the vehicle registration to be indelibly marked upon it. Fire extinguishers should be replaced when they are no longer serviceable, i.e. they are rusty or broken
- b) A suitable first aid kit containing appropriate dressing and appliances, and the external cover of the kit to have the plate identification number issued by the council, and the vehicle registration to be indelibly marked upon it.

#### 6. Exterior Signs

The proprietor shall ensure that:

- a) Except where authorised in writing by the Licensing Officer under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976, at all times the vehicle current licence plate provided by the Council is displayed: and
- b) Private Hire Vehicle: - No roof sign shall be displayed at any time;
- c) The vehicle shall display on the driver and front passenger door in a prominent position the name and telephone number of the Operator fulfilling the booking
- d) The vehicle shall display on both rear passenger doors in a prominent position, **“Private Hire Vehicle – Must be Pre-booked with Operator”**, door stickers to be permanently affixed and not magnetic
- e) Hackney Carriage Vehicle: - the vehicle shall 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 and no other lettering to the rear
- f) Any alternative sign may not be displayed except with the written authority of the Licensing Officer and in any event must bear the words mentioned above and no others
- g) The roof sign to be maintained in good order and displayed at all times on the roof of the vehicle except:
  - i) When the vehicle is on hire for a wedding

- ii) When it is necessary to accommodate passenger's luggage by the use of a roof rack
  - iii) When the vehicle is being used for the proprietor or a person authorised by the proprietor for social, domestic or pleasure purposes;
  - iv) Otherwise with the prior approval in writing of the Licensing Officer
- h) The roof sign is illuminated during the hours of darkness except when the vehicle is under hire
  - i) Any hackney carriage vehicle may only be white in colour and must have the South Cambridgeshire District Council emblem in blue, on the bonnet, with the minimum size being 0.7m x 0.7m.
  - j) TfL approved black cabs may be black in colour with district council emblem displayed on the side vehicle doors.
  - k) For Both Hackney Carriage & Private Hire Vehicles – The vehicle shall not be licensed, or be deemed to be licensed at any time if no current vehicle licence plate provided by the Council is securely fixed to the bracket which should be bolted or screwed to the outside rear of the vehicle, or in the case of Private Hire Chauffeur vehicles is subject to an Exempt licence as stated in condition 16.
  - l) In certain circumstances the Council may authorise or require alternative or additional exterior signs subject to such further or substituted conditions as the Council may determine.

## **7. Advertisement**

Subject always to the Council's right to disallow any advertisement, no advertisement shall be displayed on the exterior of the vehicle except on advertisement panels with an area not exceeding 0.56sqm on the side doors. All adverts must be approved at the discretion of the licensing officer.

## **8. Inspection**

The proprietor shall submit the vehicle to the Council or its appointed agents for inspection:

- a) Annually when the licence is due for renewal
- b) After any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers and the proprietor shall notify the Licensing Officer of any such accident within 72 hours; and
- c) At any other time if so requested by the Licensing Officer
- d) All vehicles shall be subject to a six monthly exhaust emissions check by a suitably qualified technician, the results of which shall be supplied to the Council on request

## **9. Convictions**

The proprietor shall, within seven days disclose to the Licensing Officer, in writing, details of any conviction, caution, reprimand or warning issued to him or her or, if the proprietor is a company, on any of its directors during the period of the licence.

## **10. Change of Address**

The licensee driver shall notify the Licensing Officer in writing of any change of his or her address during the period of the licence within seven days of such change taking place.

## **11. Transfer of Licence**

If an owner/proprietor/co-owner of a vehicle in respect of which the Council has granted a licence, transfers his/her interest in the vehicle, he/she shall within 14 days after the transfer give written notice of the transfer to the Council. That notice must contain the name and address of the person to whom the licensed vehicle has been transferred and the written consent to the transfer from the previous proprietor(s)/owner(s)

## **12. Surrender of Licence**

Except in situations to which Section 49 Local Government (Miscellaneous Provisions) Act 1976 applies (transfer of vehicles with licence), if the proprietor ceases to use the vehicle for the purpose for which it is licensed he or she shall surrender the licence and return the plate, which remains the property of South Cambridgeshire District Council, to the Licensing Officer.

## **13. Deposit of Drivers' Licences**

If the proprietor permits or employs any other person to drive the vehicle as a hackney carriage or private hire vehicle he or she shall, before that person commences to drive the vehicle, cause that person to deliver his or her hackney carriage or private hire driver licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

## **14. Hackney Carriage Taximeter**

- a) The vehicle shall be fitted with a taximeter visibly recording the passenger fare payable in conformity with such table of fares as may from time to time be approved by the Council



- b) The position of the taximeter shall be agreed by the Council's Licensing Officer and shall be maintained at all times so that the fare displayed can readily be seen by the passenger; and
- c) The operation of the taximeter shall accord with any Byelaws made by the Council.

#### **15. Hackney Carriage Byelaws**

The vehicle must comply with the relevant provisions of the hackney carriage Byelaws or be taken out of service as a hackney carriage until such time as the vehicle complies with the Byelaws.

#### **16. Exemption Licence Conditions (Private Hire Only)**

The following condition applies ONLY if the Council has allowed in writing an Exemption licence to be issued instead of an external rear plate. The Council has determined that under your Private Hire Vehicle licence you may be issued with an exemption licence, to be kept in the vehicle at all times, for all uses of the vehicle as a private hire vehicle where the driver is acting as a uniformed chauffeur under a written contract for one or more journeys (Appendix D). If any use of the vehicle as a private hire vehicle is made where there is no written contract or where the driver is not in uniform a plate shall be used at the rear of the vehicle.

If the plate is not correctly displayed or the exemption licence not within the vehicle, or if there is any contravention of this provision, the vehicle shall not be deemed to be licensed.

[NB: In Cambridge City, certain Road Traffic Regulation advantages given to licensed vehicles in use as such may not be available unless a plate is used. You will need to observe the relevant requirements if you wish to claim those advantages.]

#### **17. Conditions specific to Stretch Limousines**

The driver hereby licensed shall within 7 days or as soon as practicable thereafter disclose to the Council in writing any medical condition which he would likely to adversely affect his/her ability to drive during the period of the licence.

- a) All stretch Limousines should meet the Q.V.M. (Quality Vehicle Modifier) issued by the Ford Motor Company, C.M.C. (Cadillac Master Coachbuilder) or have relevant approval documentation of the originating chassis supplier approving the conversion as presented for licensing.
- b) No vehicle will be licensed when after the conversion the increased length is more than 120 inches.
- c) Passenger capacity will be determined by how many forward facing seatbelts are within the vehicle. (Side seatbelts and rear facing seatbelts are not considered suitable)
- d) Correct tyres as recommended by the manufacturer must be fitted to include appropriate weight loading of the converted vehicle.
- e) That no stretch Limousine over 6 years of age from the date of its first registration shall be licensed.
- f) The maximum weight of any converted vehicle should not exceed 7100lbs

### **Failure to comply with conditions**

Failure to comply with any of these conditions may result in the Council suspending, revoking or refusing to renew the licence and in certain circumstances, in prosecution. There is a right of appeal to the Magistrates Court.

This page is left blank intentionally.

## Licence Conditions – Private Hire Operator Licence

1. The licensee shall keep a suitable record and shall enter therein before the commencement of each journey the following particulars of every booking of a private hire vehicle invited or by undertaking it at the request of another operator and whether or not the vehicle to be hired is provided by the licensee himself, and such record must be maintained for at least the period of one year and all entries must be made in ink, unless the data is taken and stored digitally, which must still be available to an authorised officer upon request:
  - a) Date of booking;
  - b) Time of booking;
  - c) Whether direct from hirer or at request of another operator (in the latter instance give name of operator)
  - d) Name of hirer;
  - e) Place, date and time at which vehicle is to pick up;
  - f) Place, date and time of the vehicle destination;
  - g) Place and registration number of vehicle, and the name of proprietor if not the licensee himself; and
  - h) Name of the vehicle driver
2. The licensee shall keep a record of the following particulars of any private hire vehicle for which he or she invites or accepts bookings:
  - a) Vehicle registration number
  - b) Private hire plate number
  - c) Permitted number of passengers to be carried as shown on the private hire licence plate;
  - d) Make and model of vehicle;
  - e) Name and address of vehicle proprietor;
  - f) Date the vehicle was first licensed for motor taxation purposes;
  - g) Date the vehicle was first licensed by the council for private hire work;
  - h) Date on which the vehicle was added to the operator's fleet; and
  - i) Date on which the vehicle was withdrawn from the fleet.
3. The licensee shall keep a record of the following particulars of all licensed private hire vehicle drivers engaged to drive any private hire vehicle operated by him or her:
  - a) Full name of driver;
  - b) Full permanent address of the driver;
  - c) Date of birth of driver
  - d) Drivers private hire badge number
  - e) Date that engagement/employment commenced; and
  - f) Date that engagement/employment terminated.
4. The licensee shall produce all or any of the records specified in conditions (1) (2) and (3) on request to any authorised officer of the Council or to any Constable for inspection.
5. The licensee shall not invite or accept bookings for private hire work for any vehicle which has not been licensed by the Council for such work.
6. The licensee shall not employ or otherwise engage whether directly or indirectly any person to drive any private hire vehicle for which the licensee invites or accepts bookings unless the person has been granted a private hire driver licence by the Council and there is in force for every journey appropriate third party insurance cover in the event of all passengers' personal injury.
7. The licensee shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular;
  - a) Ensure that when a private hire vehicle has been hired to pick up at an appointed time and place the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place;
  - b) Ensure that when a private hire vehicle has been hired, the vehicle shall be clean inside and display on the external rear of the vehicle, the current private hire vehicle licence plate provided by the council;
  - c) Keep clean, adequately heated, ventilated and lit any premises provided and to which the public

have access whether for the purpose of booking or waiting;

- d) Ensure that any waiting area provided has adequate seating facilities; and
- e) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

8. The licensee shall immediately on receipt, notify the Licensing Officer of any complaints received and any proposed action.
9. The licensee shall notify the Licensing Officer in writing of any change in his or her address (including any address from which he or she operates or otherwise conducts his or her business as an operator) within seven days of such a change taking place.
10. The licensee shall notify the Licensing Officer in writing of any conviction arising out of court action imposed upon him or her or; if the licensee is a company or partnership, on any of the directors or partners  
The licensee driver shall notify the Licensing Officer in writing of any change of his or her address during the period of the licence within seven days of such change taking place.

## Private Hire Vehicle Plate Exemption

### 1. Objectives

- 1.1 The aim of the policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow “executive vehicles” to operate without displaying external identification plates (private hire vehicle licence plate).

### 2. Introduction

- 2.1 The displaying of the external identification plate on a licensed vehicle and a drivers badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to assist with public safety issues.
- 2.2 However there are occasions when the requirement to display an external identification plate may have the opposite effect in the terms of customer safety and could have commercial implications for the operating business. The display of local authority licence plates may also deter some corporate customers from using the service; and in some cases the identification of the vehicle as licensed may allow “high risk” passengers to more readily be targeted putting both them and the driver at risk.
- 2.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver’s badge. The same legislation also allows South Cambridgeshire District Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver’s badge.
- 2.4 It is not intended that a significant number of private hire vehicles licensed by South Cambridgeshire District Council should be exempt from the council's requirement to display an external vehicle identification plate, however the council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.
- 2.5 In creating its policy South Cambridgeshire District Council does not seek to provide a definitive list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external vehicle identification plates.
- 2.6 This section provides guidance to potential applicants on the standards of vehicle, comfort and equipment that the council considers should be the minimum standard of comfort and vehicle type before the Authority would consider such an application.

### 3. Policy

- 3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
- 3.2 Each application will be assessed by an authorised council officer to ensure that it is fit for purpose.
- 3.3 Applications for the exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met;
- Vehicle models must be either four door saloons, or five door estates or five door hatchbacks, or luxury style people carrier type vehicles.
  - Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as “S” and “E” Class Mercedes- Benz, 7 Series BMW, Lexus “GS” or “LS” models, Audi A8 Series, Jaguar, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered).
  - The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
  - The type of work is “executive” in nature. This means that the vehicle is used specifically and exclusively to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.
- 3.4 Applications may only be made if supported in writing by a recognised South Cambridgeshire District Council Chauffeur company, or if a sole operator with a bona fide outline business plan showing written interest from prospective companies who may wish to use a chauffeur service..
- 3.5 Where an operator wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to do so in writing. The application must be accompanied by supporting documentation.
- 3.6 The council may require applicants to provide additional documentation as reasonably necessary to allow the

council to make an informed decision. Where such documentation is not provided to the satisfaction of the council the application for exemption will be refused.

- 3.7 Where an application is granted, an exemption certificate and internal plate will be issued as soon as practical after the decision is made.
- 3.8 Where a vehicle is exempted from the requirement to display an external identification plate the licensed driver of the vehicle will also be exempted from wearing a driver's badge.
- 3.9 The authority to determine any application for an exemption notice is by delegation to the Licensing Officer.
- 3.10 Applicants have the right to appeal a decision where a grant of a notice is refused or revoked; appeals must be in writing and will be reviewed by the licensing sub-committee appeals panel.
- 3.11 All vehicles granted an exemption notice must in addition to this policy also comply in accordance with the requirements of the council's standard private hire conditions.
- 3.12 Where there is any inconsistency between the standard private hire conditions and these conditions, then these conditions shall prevail.

### **Private Hire Vehicle Plate Exemption Conditions**

**The conditions listed below apply to all private hire vehicles granted an exemption from South Cambridgeshire District Council from the requirement to display an external identification plate (private hire vehicle licence plate). The following conditions in addition to the standard conditions required for private hire vehicles.**

- a) The vehicle licence plate and exemption notice issued by the council in accordance to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the council.
- b) The vehicle will be issued with a licence plate, which must be kept within the vehicle at all times, along with a small identification disc to be displayed on the front nearside windscreen.
- c) Any vehicle granted an exemption from displaying a vehicle licence plate will be required to have the internal licence and the exemption certificate kept within the vehicle.
- d) In the event of loss or damage rendering the internal plate or exemption certificate unserviceable the operator shall make immediate application for a replacement for which a fee is payable.
- e) The internal plate and exemption notice issued by the council must be carried in the vehicle at all times and must be produced upon request to an authorised officer of the council or any police officer on request.
- f) When issued an exemption notice, the vehicle will not be required to display door signs which the council require private hire vehicles to display.
- g) When issued an exemption notice a taximeter must not be installed in the vehicle.
- h) The operator will not display in or on the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- i) The operator will not display in or on the vehicle any advertisement, signage, logos or insignia advertising third party companies, products or services.
- j) An Internal Vehicle Notice must be displayed see licensing policy
- k) During the period of the exemption certificate the driver will not be required to wear a private hire drivers badge but must have it available for immediate inspection by an authorised officer of the council or any police officer on request.
- l) During the period of exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in either a formal chauffeur's uniform or business suit with collar and tie.
- m) The operator will notify the council immediately of any change of use of the vehicle.
- n) The vehicle must not be used for private hire purposes other than for executive use (i.e. not for "normal" airport journey's or daily private hire use).
- o) The driver and passenger front side window glass and front windscreen must be clear. However tinted windows can be fitted to the rear side and rear window glass of the vehicle as long as they are factory fitted, comply with current legislation and comply with any current private hire vehicle conditions.
- p) The exemption will cease to have an effect on the sale or transfer of the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale or transfer of ownership immediately and in writing. The exemption notice must be returned to the council along with the internal private hire vehicle licence plate.

## Guidelines Relating to the Relevance of Convictions / Cautions in Relation to Taxi Licensing

### Introduction

South Cambridgeshire District Council as the Taxi Licensing Authority, has the responsibility to ensure all drivers of hackney carriages and private hire vehicles that are available for hire to the public, are 'fit and proper' persons to hold the relevant drivers' licences, and are not disqualified by reason of their immigration status. The taxi Licensing Authority will take such measures as appropriate in order to protect members of the public, other road users and the drivers themselves.

There is no definition or general test that determines whether or not a driver is deemed 'fit and proper' to hold a licence. It is a matter of judgment for the Licensing Authority in order to assess any risks or concerns, taking into consideration such matters as the applicant's integrity, honesty and previous character. Previous convictions and cautions are taken into account as well as other information.

**For the purpose of reading these guidelines, the term conviction is interpreted as; conviction, caution, reprimands, warning or where relevant information is received.**

**For interpretation of this document where a time is indicated before an application will be considered, this will be the time elapsed after the completion, in full, of any sentence imposed by a court or DVLA.**

**(Example – Mr X given a 2 year suspended sentence for a dishonesty offence. Our policy states a minimum of 5 years free of conviction, therefore, an application would be considered after 7 years – 2 years suspended sentence + 5 years conviction free)**

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.

The assessment is ongoing and drivers have a duty to disclose any convictions or cautions which might affect their suitability to hold a private hire or hackney carriage driver's licence.

The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public.
- That the public are safeguarded from dishonest person
- The safeguarding of children and young persons

These guidelines were adopted on **TBD ??** and will be referred to by officers in determining whether or not a person is 'fit and proper' to hold a driver's licence.

### 1. General

#### 1.1 Scope

These guidelines apply 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").

#### 1.2 Purpose

The purpose of the guidelines 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.

### 2. Legislative Background

#### 2.1 Licensing Legislation

The Council licences drivers and operators under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 ("the Relevant Legislation").

#### 2.2 Grant and Renewal of Licences

Sections 51, 55 and 59 of the Relevant Legislation 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.

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.

## 2.3 Immigration Act 2016

The immigration Act also places a duty on the licensing authority to verify an applicant's right to work in the UK prior to issuing a licence. The council is prohibited from issuing a licence, (drivers and operators licence) to anyone who is disqualified by reason of their immigration status. This means that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

Where a person's immigration permission to be in the UK is time-limited to less than the statutory length for a driver or operator's licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK and work.

The provisions also add 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.

## 2.4 Suspension or Revocation of Licence

Section 61 of the Relevant Legislation prescribes that the Council may suspend, revoke or refuse to renew a Driver's Licence in the following circumstances:

- (a) there has been a conviction/caution for an offence involving dishonesty, indecency or violence;
- (b) there has been a conviction or caution for an offence under or a failure to comply with the Relevant Legislation; or
- (c) that since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- (d) any other reasonable cause

Similarly, Section 62 of the Relevant Legislation prescribes that the Council may suspend, revoke or refuse to renew an Operator's Licence in the following circumstances:

- (a) there has been an offence under or non-compliance with the Relevant Legislation;
- (b) any conduct on the part of the Operator which renders him unfit to hold a licence;
- (c) 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;
- (d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- (e) any other reasonable cause.

## 2.5 The Council will also have due regard to:

- (a) 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.
- (b) 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.

## 3. Disclosure of Convictions, Cautions, Reprimands or Warnings

- 3.1 All persons ("Applicants") seeking to obtain an Operator's and/or Driver's Licence or will be required to disclose the existence and detail of all relevant convictions and/or cautions they may have.
- 3.2 For the purpose of meeting their disclosure obligations, applicants for a driver's licence will be required to obtain an Enhanced Disclosure from the Disclosure and Barring Service ("DBS"), and to sign up to the DBS update service.



- 3.3 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.
- 3.4 The Council will decide what level of disclosure is required and in doing so will have regard to the Rehabilitation of Offender's Act 1974 and the Rehabilitation of Offender's Act 1974 (Exceptions) Order 2002 ("the Order"). In particular, the following is of note:
4. **Drivers**
- 4.1 Hackney and private hire drivers working with children and/or vulnerable adults are included within the scope of the Order. This means that all convictions, irrespective of age or sentence imposed can be considered if relevant to the application and will not become spent for this purpose.
- 4.2 In view of the application of the Order, the Council will request an Enhanced Disclosure from the Disclosure and Barring Service (DBS) the response to which will contain information of any current or spent convictions, cautions, reprimands or warnings as well as for example other relevant information held by the Police. More information about the DBS and the checks that they perform is available on their website.
5. **Operators**
- 5.1 Private Hire Operators do not fall within the Exemption of the Order, however it is acknowledged that whilst that individual may not be directly responsible for transporting members of the public, they will have access to personal information about passengers and afforded access to them if they walked into the Operator's office to hire a private hire vehicle.
- 5.2 In view of the above and requirement of the Relevant Legislation, that Operators are fit and proper persons, the Council will require operators (who are not also licensed drivers) to submit a basic DBS disclosure.
- 5.3 Information obtained from the DBS will be shared only with those authorised to receive it in the course of their duties.
6. **Assessment of Applications**
- 6.1 The Council will not preclude applications from persons who have previous criminal convictions /cautions subject to the application of these guidelines. 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.
- 6.2 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. The Council retains absolute discretion as to whether or not a Licence will be granted, having regard to the legislation outlined at paragraph 2 above, all information obtained and observations made during the relevant application process.
- 6.3 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take into account as appropriate.
- 6.4 Careful consideration of the evidence provided should 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.
- 6.5 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.
- 6.6 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.

## 7. **Impact of Convictions, Cautions, Reprimands or Warnings**

7.1 Each application will be carefully 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:

7.2 **Level of Responsibility.** The Council 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.

7.3 **Date of Offence(s).** The Council 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.

7.4 **Attitude of the Applicant.** The Council will look for evidence that the applicant has been rehabilitated and has demonstrated a determination not to re-offend.

7.5 **Mitigating Circumstances.** The Council may ask applicants about offence(s)/convictions so that the context can be considered. Due consideration will also be given to any references provided.

7.6 **Sentence Imposed.** The Council will consider any sentence imposed as an indication of the Court's view of the seriousness of the offence.

## 8. **Rehabilitation**

8.1 These guidelines prescribe 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.

8.2 Representatives of the Council 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). 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.

## 9. **Right of Appeal**

9.1 Applicants have a right to appeal against decisions made in pursuance of these guidelines in the following circumstances:

### 9.2 **Licences**

A right of appeal arises against the following decisions:

- Refusal to grant or renew an Operator's or Driver's Licence;
- Suspension or revocation of an Operator's or Driver's Licence; and
- The imposition of conditions which may have been placed on the grant of an Operator's or Driver's Licence.

**Any such appeal must be made in writing to the Head of Service at South Cambridgeshire District Council or to the Magistrates Court within 21 days of the date of the decision letter having been served.**

If the appeal is heard first by the Council Sub-Committee Appeals panel and is refused, the appellant will then have a further 21 days to have the matter registered with the Magistrates Court.

9.3 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 (Road Safety Act 2006, s 52, 2A & 2B).

9.4 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.

## 10. **Updating and Repeat Checks**

10.1 Successful applicants are required to notify the Council within 7 days of any convictions or cautions they may receive after the grant of their Licence/Approval.

10.2 Persons wishing to renew their Licence must obtain and provide updated Disclosure Documents with their renewal application.

10.3 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.

10.4 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.

## 11 . **Breaches of these guidelines**

11.1 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.

11.2 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 in accordance with paragraph 9 of this Policy.

## 12. **Guidelines**

The following paragraphs offer a general guide on the decision, which might be taken where cautions or convictions are disclosed.

### **Offences Involving Violence**

#### **Offences against Children under 14 years and Young Persons 14 to 17 years**

12.1 Drivers of hackney carriages and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken when offences of violence involve children or young persons.

12.2 Where the commission of an offence involved loss of life a licence will be refused.

12.3 Anyone of a violent disposition will normally be refused to be licensed until they have at least 5 to 10 years free of such conviction or the end of a term of imprisonment if applicable must have passed before an application is likely to be considered favourably. However given the range of the offences that involve violence, consideration must be given to the seriousness and nature of the conviction and the term of rehabilitation could be reduced or increased.

#### **Offences against Other Persons**

12.4 As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will be refused.

In other cases a period of at least 5 to 10 years free of such conviction or the end of a term of imprisonment if

applicable must have passed before an application is likely to be considered favourably. However given the range of the offences that involve violence, consideration must be given to the seriousness and nature of the conviction and the term of rehabilitation could be reduced or increased.

12.5 A licence will not be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide whilst driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

12.6 A licence will not be granted where the applicant has a conviction for an offence such as:

- Malicious wounding or grievous bodily harm which is racially aggravated
- Arson
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of a firearm
- Riot
- Assault on the Police
- Common assault occasioning physical harm
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

12.7 An application will not normally be granted where the applicant has a conviction for an offence such as:

- Criminal damage
- Racially aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- Hate crime
- Domestic violence

and the conviction is less than 5 years prior to the date of application.

12.8 An application will normally be refused where the applicant has a conviction for an offence such as:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- Harassment, alarm or distress (S5 Public Order Act 1986)
- Fear of provocation of violence(S4 Public Order Act 1986)
- Intentional harassment, alarm or distress (S4A Public Order Act 1986)
- Obstruction
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction is less than 3 to 5 years prior to the date of application.

### 13. **Weapon Offences**

13.1 If an applicant has been convicted of possession of a weapon or a weapon related offence, this will give serious cause for concern as to whether the person is a fit and proper person to carry members of the public. Depending on the circumstances of the offence, an applicant should be free of conviction for 3 to 5 years prior to the date of application.

## 14. **Sex and Indecency Offences**

14.1 Any applicant currently on the Sex Offenders Register will not be granted a licence.

### **Offences against Children under 14 years and Young Persons 14 to 17 years**

14.2 Drivers of hackney carriage and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

### **Offences of a sexual nature against Other Persons**

14.3 As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, an application will not be granted where an applicant has a conviction, caution, reprimand, warning or where relevant information is received for an offence of:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Offences under Serious Crime Act 2015
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

14.4 An application will not be granted where the applicant has a conviction, caution, reprimand, warning or where relevant information is received for an offence relating to:

- Sexual or indecent assault
- Possession of indecent photographs, child pornography etc
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

14.5 An application will not be granted where the applicant has a conviction, caution, reprimand, warning or where relevant information is received for an offence relating to:

- Indecent exposure
- Soliciting (including kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

14.6 A licence will not be granted if an applicant has a conviction, caution, reprimand, warning or where relevant information is received for any sex or indecency offence.

## 15. **Dishonesty Offences**

15.1 Drivers of hackney carriages and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. It should also be noted that a private hire driver is not bound by a set fare structure and therefore is open to potential abuse by dishonest drivers. Customers often use the trade for journeys to airports and drivers are privy to the knowledge that premises will be empty for a period of time. In addition overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise especially vulnerable people.

15.2 For these reasons a serious view is taken of any convictions involving dishonesty. In general a minimum period of 5 years free of conviction should be required before an application can be considered favourably. Offences of dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit Fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

16. **Drug Offences**

16.1 A serious view will be taken with regard to any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered. A licence will not be granted where the applicant has a conviction for an offence related to the supply, possession or consumption of drugs and has not been free of such conviction for a period of at least 5 years.

16.2 If there is evidence of persistent drugs use, misuse or dependency, a medical examination (in accordance with the DVLA Group 2 Medical Standards) will be required before an application will be considered. If the applicant was an addict then they will be required to show evidence that they have been free from drug taking for a period of at least 5 years after detoxification treatment.

17. **Driving Offences**

17.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances a licence will not normally be granted where an applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving unlicensed, disqualified or uninsured drivers or
- Or any similar offences

17.2 Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and vehicles at all times. Any traffic offence could demonstrate that a driver is not a fit and proper person to hold a Licence. The following is of note:

- **Major offences / High risk offences** (see Annex A for examples of major/high risk offences). An Application received which details one of the major / high risk traffic offences in Annex A, on the DVLA licence, will normally be refused or a current licence suspended or revoked. An application will not be considered until a period of 5 years conviction free since the endorsement period has expired (4-11 years) as per DVLA rules.

Example – Mr X has DVLA endorsed for 4 years for dangerous driving. Application will be considered for a taxi licence after 9 years provided no further DVLA endorsements or convictions received within this period.

- **Minor offences** (see Annex B for examples of minor offences). Where a period of disqualification has been imposed due to the accrual of DVLA penalty points or for a single infringement, an application should not be considered until the driving licence has been restored for a period of 12 months. Should the DVLA licence show a further conviction after the disqualification period then a 12 month period free of conviction should elapse from the date of the latest conviction. If an applicant has had their licence revoked, following six or more penalty points during the first two years since passing their driving test, then a period of 12 months free of further conviction, after passing a further test should have elapsed before granting a licence.

18. **Drunk driving / driving under the influence of drugs / using a mobile phone whilst driving**

- 18.1 A serious view shall be taken of convictions for driving or being in charge of a vehicle whilst under the influence of alcohol or other substances. Where a disqualification has occurred as a result of a drink driving offence, a period free of conviction of 10 years should elapse from the restoration of the DVLA licence, before an application will be considered.
- 18.2 If there is any indication that the applicant is an alcoholic, a medical examination (in accordance with the DVLA Group 2 Medical Standards) shall be arranged by the applicant, at their expense, before an application is considered. If the applicant was an alcoholic, then they will be required to show evidence that they have undergone rehabilitation and have been free from any issues for a period of at least 5 years.
- 18.3 An isolated conviction for drunkenness shall not debar an applicant from obtaining a licence. However, a number of related convictions could indicate a problem necessitating a medical, as laid down in 18.2.
- 18.4 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- Are much less aware of what's happening on the road around them
  - Fail to see road signs
  - Fail to maintain proper lane position and steady speed
  - Are more likely to 'tailgate' the vehicle in front
  - React more slowly, take longer to brake and longer to stop
  - Are more likely to enter unsafe gaps in traffic
  - Feel more stressed and frustrated.
- 18.5 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving whilst using a mobile phone within 5 years.

19. **Discrimination Offences**

- 19.1 The council will treat any discrimination offence seriously when establishing if an applicant is fit & proper. Convictions relating to racial, sexual or gender orientated crimes will be refused a licence. Refer to paragraph 12.7.

20. **Licensing Offences**

- 20.1 Licensing legislation is designed to ensure the public are protected and as such a serious view will be taken of convictions for offences under the Acts, such as plying for hire, overcharging, and refusing to carry disabled persons, when deciding whether an applicant is fit & proper. In general a period of 5 years free of conviction must have elapsed before an application should be considered. Where drivers licensed by this authority are convicted of plying for hire the licence will be revoked.
- 20.2 A licence will not normally be granted if an applicant has more than one conviction for a taxi licensing related offence unless she/he has been conviction free for a period of not less than 5 years.
- 20.3 If an applicant has had a licence suspended, revoked or refused by another authority, then checks will be made with that authority to aid the decision making process.

21. **Insurance offences**

- 21.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided s/he has been free of conviction for 3 years, however a strict warning will be given as to future behaviour.
- 21.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 21.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operator's' licence revoked immediately and be prevented from holding a licence for at least 3 years.

22. **Outstanding Charges and Summonses**

- 22.1 If an applicant is the subject of any outstanding charge, summons, or is currently on bail awaiting a charging decision, no decision will be made, or licence granted until these outstanding matters are resolved.

Annex A

**MAJOR TRAFFIC OFFENCES**

- AC10 Failing to stop after an accident  
AC20 Failing to give particulars or to report an accident within 24 hours  
AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court  
BA30 Attempting to drive while disqualified by order of court
- CD10 Driving without due care and attention  
CD20 Driving without reasonable consideration for other road users  
CD30 Driving without due care and attention or without reasonable consideration for other road users  
CD40 Causing death through careless driving when unfit through drink  
CD50 Causing death by careless driving when unfit through drugs  
CD60 Causing death by careless driving with alcohol level above the limit  
CD70 Causing death by careless driving then failing to supply a specimen for analysis  
CD71 Causing death by careless driving then failing to supply a specimen for drug analysis  
CD80 Causing death by careless, or inconsiderate driving  
CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers
- DD40 Dangerous driving  
DD60 Manslaughter or culpable homicide while driving a vehicle  
DD80 Causing death by dangerous driving  
DD90 Furious driving
- DR10 Driving or attempting to drive with alcohol level above limit  
DR20 Driving or attempting to drive while unfit through drink  
DR30 Driving or attempting to drive then failing to supply a specimen for analysis  
DR40 In charge of a vehicle while alcohol level above limit  
DR50 In charge of a vehicle while unfit through drink  
DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive  
DR61 Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive  
DR70 Failing to provide specimen for breath test  
DR80 Driving or attempting to drive when unfit through drugs  
DR90 In charge of a vehicle when unfit through drugs
- IN10 Using a vehicle uninsured against third party risks
- LC20 Driving otherwise than in accordance with a licence  
LC30 Driving after making a false declaration about fitness when applying for a licence  
LC40 Driving a vehicle having failed to notify a disability  
LC50 Driving after a licence has been revoked or refused on medical grounds
- MS50 Motor racing on the highway  
MS60 Offences not covered by other codes
- UT50 Aggravated taking of a vehicle



**MINOR TRAFFIC OFFENCES**

- MS10 Leaving a vehicle in a dangerous position  
MS20 Unlawful pillion riding  
MS30 Play street offences  
MS70 Driving with uncorrected defective eyesight  
MS80 Refusing to submit to an eyesight test  
MS90 Failure to give information as to identity of driver etc
- MW10 Contravention of Special Road Regulations (excluding speed limits)
- PC10 Undefined contravention of Pedestrian Crossing Regulations  
PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle  
PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
- TS10 Failing to comply with traffic light signals  
TS20 Failing to comply with double white lines  
TS30 Failing to comply with a "Stop" sign  
TS40 Failing to comply with direction of a constable or traffic warden  
TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)  
TS60 Failing to comply with school crossing patrol sign  
TS70 Undefined failure to comply with a traffic direction sign  
TT99 To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified
- CU10 Using vehicle with defective brakes  
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)  
CU40 Using a vehicle with defective steering  
CU50 Causing or likely to cause danger by reason of load or passengers  
CU80 Using a mobile phone while driving a vehicle
- SP10 Exceeding goods vehicle speed limit  
SP20 Exceeding speed limit for type or vehicle (excluding goods or passenger vehicles)  
SP30 Exceeding statutory speed limit on a public road  
SP40 Exceeding passenger vehicle speed limit  
SP50 Exceeding speed limit on a motorway

**Aiding, Abetting, counselling or procuring**

Offences as coded above, but with 0 change to 2 (for example CU10 becomes CU12)

**Causing or permitting**

Offences as coded above, but with 0 change to 4 (for example CU10 becomes CU14)

**Inciting**

Offences as coded above, but with 0 changed to 6 (for example CU10 becomes CU16)

**Non-endorsable offences**

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification. At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

This page is left blank intentionally.

## Hackney Carriage Byelaws

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875 by South Cambridgeshire District Council.

**Interpretation**

1. Throughout these Byelaws “the Council” means the South Cambridgeshire District Council and “the district” means the District of South Cambridgeshire

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

2. **The proprietor of a hackney carriage:**

- a. Shall cause the number of the licence granted to him or her in respect of the carriage to be legibly painted or marked on the outside and inside respectively of the carriage, or on plates affixed thereto;
- b. Not willfully or negligently cause or suffer any such number to be concealed from public view whilst the carriage is standing or plying for hire;
- c. Not cause or permit the vehicle to ply for hire with any such plate so defaced that any figure or material particular is illegible.

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

3. **Every proprietor of a hackney carriage shall:**

- a. Provide sufficient means by which any person in the carriage may communicate with the driver;
  - b. Cause the roof or covering to be kept water-tight;
  - c. Provide any necessary window and means of opening and closing not less than one window on each side;
  - d. Cause the seats to be properly cushioned or covered;
  - e. Cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - f. Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - g. Provides means for securing luggage if the carriage is so constructed as to carry luggage;
  - h. Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - i. Provide at least two doors for use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say;
    - a. The taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word, “Hired” to appear on the face of the taximeter;
    - b. Such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter;
    - c. When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take in pursuance of the tariff fixed by the council in that behalf for the hirer of the carriage by distance;
    - d. The word “Fare” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
    - e. The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage;
    - f. And for that purpose the letters and figures shall be suitably illuminated during any period of hiring;
    - g. The taximeter and all the fittings thereof shall be affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and such badges.**

**5. The driver of a hackney carriage shall:**

- a. When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf, locked in the position in which no fare is recorded on the face of the taximeter;
- b. Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word, "Hire" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- c. Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness; this being the time between half an hour after sunset to half an hour before sunrise, and also at any other time at the request of the hirer.

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

7. The driver of a hackney carriage for which stands are fixed by the council in any village or parish where such stands have been fixed shall, when plying for hire in any street and not actually hired,

- a. Proceed with reasonable speed to, and station the carriage on one of such stands;
- b. If a stand, at the time of his or her arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- c. On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- d. From time to time when any other carriage immediately in front is driven off or moved forward cause his or her carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. A proprietor of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting the vehicle.

10. The proprietor or driver of a hackney carriage who shall have agreed or shall have been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. If a badge has been provided by the council and delivered to the driver of a hackney carriage, either with the licence granted to him or her by the Council or otherwise, he or she shall, when standing, plying or driving for hire, wear the badge in such position and manner as to be plainly and distinctly visible.

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

13. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage;

- a. Convey a reasonable quantity of luggage;
- b. Afford reasonable assistance in loading and unloading;
- c. Afford reasonable assistance in removing it to or from the entrance of and house, station or place at which he or she may take or set down such person.

14. Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall, immediately thereafter notify the fact to the Environmental Services Officer of the Council.

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

15. The proprietor of a hackney carriage plying for hire for which any fares are fixed by the Council shall;

- a) Cause a statement of such fares to be exhibited on the inside of the carriage, in clearly distinguishable letters and figures;

- b) Renew such letters and figures as often as necessary to keep them clearly visible.
16. Every proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, carefully search the carriage for any property which may have been accidentally left therein.
17. Every proprietor or driver of a hackney carriage in the district shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him or her:
- a. Carry it within twenty four hours, if not sooner claimed by or on behalf of its owner, to the Council offices, or to the property store at Parkside Police Station, Cambridge, and leave it in the custody of the District Secretary or Officer in charge of the station on their giving a receipt for it;
  - b. Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value, or the fare for the distance from the place of finding to the Council offices or to the property store at Parkside Police Station, Cambridge (whichever be greater) but not more than five pounds.

**18. Penalties**

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

This page is left blank intentionally.

## Penalty Points Scheme

Achieving and maintaining a consistent approach to making decisions about taxi licensing and enforcement action, including prosecution, is of paramount importance.

To achieve and maintain consistency, the guidelines must be considered and followed. Enforcement action will be related to the seriousness of the breach and the possible consequences arising from it. Enforcement action will not therefore, constitute punitive responses to minor technical contraventions of legislation.

When making enforcement decisions, Authorised officers will take the penalty point system into account. Any departure from this must be fully considered, exceptional, capable of justification and must be endorsed by the Head of Service, Environmental Health & Licensing or more senior officer before the decision is implemented.

## APPENDIX G

	<b>Details of the misconduct</b>	<b>Points Applicable</b>	<b>Driver</b>	<b>Vehicle Owner or Operator</b>
1	Providing false or misleading information on licence application form / failing to provide relevant information or pay the relevant fee (including dishonoured cheques)	6	✓	✓
2	Failure to notify, in writing, the Council of a change of address within 7 calendar days	3	✓	✓
3	Refusal to accept hiring without reasonable cause	6	✓	✓
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓	
5	Plying for hire by Private hire drivers or Hackney Carriage drivers plying for hire outside the district	9	✓	✓
6	Private hire vehicle parking or waiting on a taxi rank	9	✓	✓
7	Inappropriate behaviour at a taxi rank,	1-12*	✓	✓
8	Leaving a taxi unattended at a rank	4	✓	
9	Using unlicensed vehicle or using a licensed vehicle without insurance or without a valid VCT	12	✓	✓
10	Failure to produce relevant documents within timescales when requested by an Authorised Officer	4	✓	✓
11	Unsatisfactory condition of vehicle, interior or exterior	4	✓	✓
12	Failure to undergo the 6 monthly VCT on time	6		✓
13	Failure to provide proof of insurance cover when requested	6	✓	✓
14	Failure to produce Hackney Carriage or Private Hire vehicle for re-testing when required	4		✓
15	Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer	12	✓	✓
16	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
17	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions	4	✓	✓
18	Carrying more passengers than stated on the vehicle licence	6	✓	
19	Failure to display external/internal licence plate in a fixed position or failure to display appropriate door signs	6	✓	✓
20	Carrying an offensive weapon in the vehicle	12	✓	
21	Failure to notify a transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer	4		✓
22	Failure to carry fire extinguisher	4		✓



## APPENDIX G

23	Failure to carry first aid kit	3		✓
24	Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle	3	✓	✓

	<b>Details of the misconduct</b>	<b>Maximum* Points Applicable</b>	<b>Driver</b>	<b>Vehicle Owner or Operator</b>
25	Failure to use authorised roof light	4	✓	✓
26	Failure to maintain records in a suitable form of the commence and cessation of work of each driver each day	4		✓
27	Failure to produce on request records of drivers' work activity	4		✓
28	Using a non approved or non-calibrated taximeter (HC)	6	✓	✓
29	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	12	✓	✓
30	Evidence of smoking in vehicle	3	✓	✓
31	Evidence of food or drink in Vehicle	3	✓	✓
32	Displaying any feature on private hire vehicle that may suggest that it is a Hackney Carriage	6	✓	✓
33	Using a vehicle, the appearance of which suggests that it is a Taxi	6	✓	✓
34	Failure to carry an assistance dog without requisite medical exemption certificate	12	✓	✓
35	Driver not holding a current DVLA licence	12	✓	✓
36	Failure to have the driver's badge clearly displayed	4	✓	
37	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
38	Unsatisfactory appearance of driver	4	✓	
39	Failure to observe rank discipline (HC)	3	✓	
40	Failure to maintain proper records of private hire vehicles	3		✓
41	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
42	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	3		✓
43	Failure to issue receipt on request .	6	✓	✓
44	Using a licensed vehicle in a dangerous condition	9	✓	✓
45	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspensions of	4		✓

APPENDIX G

	such licence			
46	Unsatisfactory behaviour or conduct of a driver.	1-12*	✓	
47	Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days or conviction or cautions during period of current licence	6	✓	✓
48	Failure to behave in a civil and orderly manner, or bringing the trade into disrepute.	1-12*	✓	✓
49	Failure to provide reasonable assistance to a passenger	1-12*	✓	✓
	<b>Details of the misconduct</b>	<b>Maximum* Points Applicable</b>	<b>Driver</b>	<b>Vehicle Owner or Operator</b>
50	Failure to display a correct up to date fare card (HC)	3	✓	✓
51	Carrying two or more separate fares without the appropriate consent	9	✓	
52	Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare wheel	4	✓	✓
53	Failure to attend punctually at appointed time and place without sufficient cause	4	✓	✓
54	A licensed vehicle with a bald or dangerous or defective tyre	4 per tyre	✓	✓
55	Failure to submit licence renewal application including documents and attendance at a vehicle inspection	6	✓	✓
56	Failure to display an applicable fare card AND the Councils valid fare card together	3	✓	✓
57	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle	3	✓	
58	Driving whilst using a mobile phone	9	✓	
59	Appeal of points by way of Licensing Sub-Committee	4-12*	✓	✓

\*- discretionary points up to a maximum of 6 points can be issued by officers, but greater awards of points can only be issued by the Licensing Panel

Officers may refer any mandatory award of points to Members where there are aggravating features to any case

Ticks indicate potential recipients of points for infringements, but are not limited to those only. Certain cases may result in drivers and/or proprietors and/or operators receiving penalty points. Points may be awarded to one or several persons depending upon the circumstances of the case, but each case will be considered on its individual merits.

## **Rother District Council – Penalty Point Scheme**

### **Introduction**

- 1.0 Hackney Carriage and Private Hire Operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Councils Byelaws and the Rules, Regulations and Conditions set by the Licensing Committee.
- 2.0 Should operators, drivers or proprietors of vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview and then once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the persons' file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Licensing Panel and /or prosecution.
- 3.0 The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
- 4.0 The primary objective of the penalty point's scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
- 5.0 Penalty points remain on the licensee's record for twelve months. The period is a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

### **Issue of Penalty Points**

- 6.0 Complaints from the public concerning significant breaches of conduct will be subject to investigation by officers and may be reported to the Licensing Panel for the issue of discretionary points.
- 7.0 Where a licensee accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Council's Licensing Panel for the Licensing Panel to decide whether the licensee remains a fit and proper person. The Licensing Panel may

then suspend or revoke a licence, or issue a warning to the Licensee, depending on the circumstances. Periods of suspension of a licence by a Panel will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.

- 8.0 Penalty Points will remain current for 12 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.
- 9.0 The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
- 10.0 Any disputes regarding the issuing of penalty points will be referred to the Taxi and Private Hire Licensing Panel who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld. Drivers or Operators must appeal *against points awarded by officers* to the Taxi and private Hire Licensing Panel within 21 days of them being issued.
- 11.0 If points are issued to a proprietor/driver or operator by the Council for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person (s) will not be the subject of a prosecution for that offence by the Council.

*\* Discretionary – members to decide number of points*

*Carry up to 12 points on driver's licence.*

*2012 – Cardiff City Council v Singh: points systems. Nothing wrong with penalty points system. Powers do exist. Cardiff came unstuck with automatic revocation on totting up. Driver needs mechanism to go before committee so he/she can set out reasons for accrual of points.*

*Members could allow carry over points of more than 12 months.*

*12 points gets invite to committee.*

*#46 catch all.*

*Gives members insight into what drivers do after they receive their licence.*

*Officers have powers to issue up to 6 points. If members of the public received then it should go to committee.*

*Not condition of licence. Stands above this – a way of monitoring drivers.*

*Work with driver to moderate their behaviour.*

*Ticks indicate potential – can edit and plagiarise.*

*Andy invited the system ~20 years ago.*

*Very well covered across the country.*

*LGA Councillors Handbook on Hackney Carriage and Private Hire.*

This page is left blank intentionally.



Disclosure &  
Barring Service

# DBS Update Service Multiple Status Check Facility

October 2013

# Contents

Contents .....	2
1.0 Background .....	3
1.1 How to carry out Status Checks .....	3
1.2 What is Multiple Status Checking? .....	3
1.3 Benefits to you .....	4
1.4 Benefits to your employee .....	4
1.5 How to access the Multiple Status Check facility .....	4
1.6 What Status Check results will I see and what do they mean? .....	5
1.7 What are the next steps? .....	5
2.0 Technical information .....	6
2.1 What is a web service? .....	6
2.2 How do I use the Web Service? .....	6
2.3 What are the inputs required to make a Multiple Status Check? .....	7
2.4 What is the URL needed to call the web service? .....	7
2.5 What might a front-end system look like? .....	8
2.6 How do you call the URL? .....	9
2.7 What will XML result returned from the web service result look like? .....	10
2.8 Things to remember .....	10
3.0 Glossary of Terms .....	11



# 1.0 Background

For a small annual subscription of just £13, applicants can join the Update Service and have their DBS Certificate kept up-to-date. They can take it with them from role to role, within the same workforce, where the same type and level of check is required. The service is free to volunteers.

If an applicant has subscribed to the Update Service, with their permission, you can use their current DBS Certificate and carry out a free, instant online Status Check to see if any new information has come to light since its issue.

## Have you given the applicant their application form reference number?

To help applicants join the Update Service at the earliest opportunity, where possible, give them the application form reference number so they can join immediately. If they wait to subscribe with their DBS Certificate number they must use it within 14 days of the DBS

## 1.1 How to carry out Status Checks

After viewing the original DBS Certificate, if you are entitled to carry out a Status Check you can do this at [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service). Refer to the [DBS Update Service Employer Guide](#) for further information on entitlement to carry out a Status Check.

You will need to enter the name of your organisation, your forename and surname and then the following details of the DBS Certificate being checked:

- DBS Certificate number
- current surname of the DBS Certificate holder - as specified on their DBS Certificate
- date of birth of the DBS Certificate holder - as recorded on the DBS Certificate

## 1.2 What is Multiple Status Checking?

Some organisations submit large numbers of DBS applications and will need to be able to carry out large numbers of Status Checks every day. Other organisations may not submit large numbers of applications but may still want to use a quick and efficient Multiple Status Checking facility which will allow them to carry out Status Checks simultaneously rather than separately.

The DBS has developed a Multiple Status Check facility which can be accessed via a web service. The Multiple Status Check facility will enable organisations to make an almost unlimited number of Status Checks simultaneously.

If you would like to carry out multiple, or large numbers of Status Checks quickly you will benefit from using the Multiple Status Check facility.

## 1.3 Benefits to you

- Quick online checks of DBS Certificates.
- Ability to carry out large numbers of checks at the same time.
- No more time consuming DBS application forms to fill in.
- You may never need to apply for another DBS check for an employee again.
- Saves you time and money.
- Enhances your safeguarding processes and may help to reduce your risks.
- Easy to incorporate into your existing suitability decision-making processes.
- Less bureaucracy.

## 1.4 Benefits to your employee

- Saves them time and money.
- One DBS Certificate is all they may ever need.
- Can take their DBS Certificate from role to role within the same workforce.
- Greater control of their DBS Certificate.
- Can get ahead of the rest and apply for jobs DBS pre-checked.

## 1.5 How to access the Multiple Status Check facility

Your organisation or IT department will need to develop a system which will enable you to:

- Input the required information to carry out Status Checks on numerous individuals simultaneously
- Send the individual information to the DBS system
- Access the information relating to the Status Checks you submitted
- Return the results to you

Your system will connect with the DBS system using a web service. We have provided technical information and guidance in the next part of this guide.

Once the system is built and you want to use it, you will need to submit the following information for each individual for which you have permission to carry out a Status Check:

- The DBS Certificate number of the Certificate being checked.
- The surname of the applicant as it appears on the Certificate being checked.
- The date of birth of the applicant as it appears on the Certificate being checked.
- The name of your organisation.
- You will also need to agree with the declaration below, entering 'true' with the information to be submitted for each Status Check.

*'I confirm I have the authority of the individual to which this DBS Certificate number relates to receive up-to-date information (within the meaning of section 116A of the Police Act 1997) in relation to their criminal record DBS Certificate for the purposes of asking an exempted question within the meaning of section 113A of the Police Act 1997; or in relation to their enhanced criminal record DBS Certificate for the purposes of asking an exempted question for a prescribed purpose within the meaning of section 113B of the Police Act 1997.'*

## 1.6 What Status Check results will I see and what do they mean?

If the details entered can be matched to a valid DBS Certificate that is linked to an individual subscribed to the Update Service, the latest Status of that DBS Certificate will be returned.

The Status Check result only relates to the individual named on both the DBS Certificate and on the Status Check result screen.

The Update Service will only check for updates based on the individual for whom the check was carried out – not the home address where the work is being undertaken or any other individuals employed or living at that address. No checks have been made against any third parties associated to the individual. This could have implications for individuals who are employed in home-based occupations in which third parties may be considered.

The outcome of a valid Status Check will be one of the following:

Returned result	Status Checking response	Meaning
'BLANK_NO_NEW_INFO'	<i>'This DBS Certificate did not reveal any information and remains current as no further information has been identified since its issue'.</i>	The individual's DBS Certificate contains no criminal record information and no new information has come to light since its issue
'NON_BLANK_NO_NEW_INFO'	<i>'This DBS Certificate remains current as no further information has been identified since its issue'.</i>	The individual's DBS Certificate contains criminal record information but no new information has come to light since its issue.
'NEW_INFO'	<i>'This DBS Certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information'.</i>	The individual's DBS Certificate should not be relied upon as new information is now available; you should request a new DBS Certificate.

## 1.7 What are the next steps?

- Discuss the Multiple Status Check facility and its benefits with your organisation.
- Pass this guide and technical information to your IT department or an IT developer.
- Your system can be as simple or as complex as you need – this will affect the time it takes to set it up.
- If you need any further information contact your designated account manager if you have one, or DBS customer services at [customerservices@dbs.gsi.gov.uk](mailto:customerservices@dbs.gsi.gov.uk).
- Once your system is ready you can start using the free Multiple Status Check facility immediately.

## 2.0 Technical information

The following technical information assumes a certain level of technical knowledge. It has been developed to inform organisations and IT departments of the necessary components required to develop a front-end programming interface which is needed to access the DBS Multiple Status Check facility.

**Note:** The DBS do not supply a sample front-end system, nor do we support systems developed by other organisations. It is the responsibility of organisations wanting to use the Multiple Status Check facility to construct and maintain their own front-end system.

### 2.1 What is a web service?

The functionality of the Update Service Multiple Check facility is exposed to organisations via a web service. Web services are typically Application Programming Interfaces (API) or Web APIs that are accessed via Hypertext Transfer Protocol (HTTP). The web service used by the DBS is called 'Restful Web'.

A web service:

- Is a standard mechanism for organisations to expose business functionality to their partners.
- Allows IT applications to communicate with each other in a platform and programming language, independent manner.
- Is a software interface that can be accessed over the network through standardised XML messaging?
- Output is typically XML which is easily interpreted and processed by software applications.

### 2.2 How do I use the Web Service?

The Web Service provides an API for organisations to access the Update Service Multiple Status Check facility. This is achieved by calling a URL.

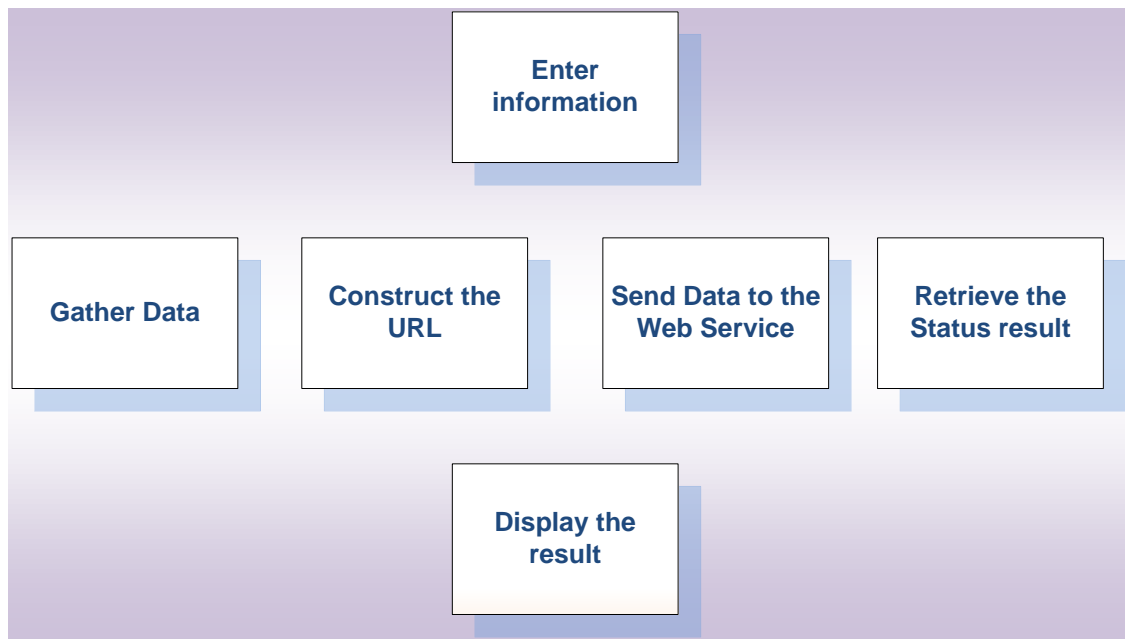
Organisations wanting to use the web service will need to build their own front-end system. This is the front-end programming interface needed to access the DBS web service. The purpose of the front-end system is to send individual information via the API and retrieve the Status result.

A front-end system can be a complex automated product capable of interacting with bespoke in-house business systems, or it can be achieved using a straightforward software application such as Microsoft Excel.

Your front-end system will need to:

- Gather the mandatory input data required to carry out a Status Check (this is the data relating to the individual's DBS Certificate requiring the Status Check).
- Send that data to the web service (via a URL).
- Retrieve the Status result from the web service and associate it with the relevant individual's DBS Certificate.

## Typical Multiple Status check front-end system functions



### 2.3 What are the inputs required to make a Multiple Status Check?

The information required to make a valid Multiple Status Check is the same as the information required to make a Single Status Check.

The data inputs are:

- The DBS Certificate reference number of the DBS Certificate being checked (Integer).
- The surname of the applicant as it appears on the DBS Certificate being checked (Text).
- The date of birth of the applicant as it appears on the DBS Certificate being checked (Date).
- The name of your organisation (Text).
- The name of the employee making the Status Check (Text).
- An indication that you have the Individual's consent to make the Status Check (True/False).

A front-end system must provide all of the above inputs (within the URL) or the Status Check will be rejected. If the data cannot be matched to the DBS certificate of an actual Update Service Individual then the Status check will be rejected.

### 2.4 What is the URL needed to call the web service?

The URL used to call the Web Service is:

<https://secure.crbonline.gov.uk/crsc/api/status/<disclosureref>?dateOfBirth=<DD/MM/YYYY>&surname=<text>&hasAgreedTermsAndConditions=true&organisationName=<text>&employeeSurname=<text>&employeeForename=<text>>

**Note:** The text variables within the URL (shown as <text> or DD/MM/YYYY) will need to be replaced with the input values (individual's name, date of birth, DBS Certificate number, employee surname and forename) entered into your front-end system.

A Multiple Status Check is many Single Status Checks happening in quick succession. Therefore each instance of a Status Check must call the URL independently. This can be done quickly by constructing a loop within your front-end system's coding. Your organisation's developers may also find it useful to replace the <text> components within the URL with predefined variables set to have a value of the required data inputs.

The '&hasAgreedTermsAndConditions' component within the URL must have a value of 'True'. This value represents whether or not the employer has the individual's consent to carry out the Status Check. A value of 'true' is the default position within the URL. However your organisation's developers may handle this element in different ways, for example, setting the variable to true only if there is a 'Y' in a 'consent received' column within your front-end system.

## 2.5 What might a front-end system look like?

There is no definitive model for a front-end system. Its look and feel will depend entirely on your organisation's business needs and design preference.

The example below shows what a simple front-end system could look like. In this example the front-end system uses Microsoft Excel as the host application.

The screenshot displays a web interface titled "Example System". It features a table with the following columns: Certificate Ref, Applicant Surname, Date of Birth, and Status Result. The table contains 21 rows of data. To the right of the table are four buttons: "Make Status Check", "Clear Results", "Show New info only", and "Show All Rows". Below the table are two input fields: "Organisation Name" (containing "ACME Corporation") and "Employer Name" (containing "Lucas Webley").

Certificate Ref	Applicant Surname	Date of Birth	Status Result
1123564855	Smith1	01/01/1985	'BLANK_NO_NEW_INFO'
1123564856	Smith2	02/01/1985	'BLANK_NO_NEW_INFO'
1123564857	Smith3	03/01/1985	'BLANK_NO_NEW_INFO'
1123564858	Smith4	04/01/1985	'BLANK_NO_NEW_INFO'
1123564859	Smith5	05/01/1985	'BLANK_NO_NEW_INFO'
1123564860	Smith6	06/01/1985	'BLANK_NO_NEW_INFO'
1123564861	Smith7	07/01/1985	'BLANK_NO_NEW_INFO'
1123564862	Smith8	08/01/1985	'BLANK_NO_NEW_INFO'
1123564863	Smith9	09/01/1985	'BLANK_NO_NEW_INFO'
1123564864	Smith10	10/01/1985	'BLANK_NO_NEW_INFO'
1123564865	Smith11	11/01/1985	'NEW_INFO'
1123564866	Smith12	12/01/1985	'BLANK_NO_NEW_INFO'
1123564867	Smith13	13/01/1985	'BLANK_NO_NEW_INFO'
1123564868	Smith14	14/01/1985	'BLANK_NO_NEW_INFO'
1123564869	Smith15	15/01/1985	'NEW_INFO'
1123564870	Smith16	16/01/1985	'BLANK_NO_NEW_INFO'
1123564871	Smith17	17/01/1985	'BLANK_NO_NEW_INFO'
1123564872	Smith18	18/01/1985	'BLANK_NO_NEW_INFO'
1123564873	Smith19	19/01/1985	'BLANK_NO_NEW_INFO'
1123564874	Smith20	20/01/1985	'BLANK_NO_NEW_INFO'
1123564875	Smith21	21/01/1985	'BLANK_NO_NEW_INFO'

Organisation Name: ACME Corporation      Employer Name: Lucas Webley

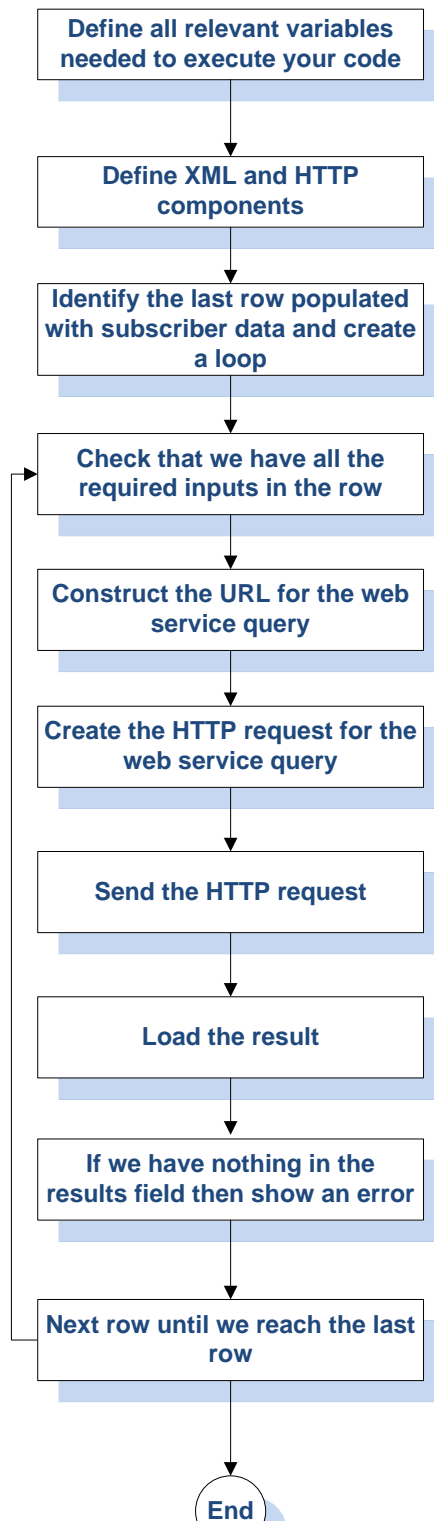
The input data used to construct the URL (mandatory information relating to the Individual's DBS Certificate) is captured in the first three columns of the table.

The required employer information (input data) is entered in the two fields situated below the main table. The indication of Individual's Page 102 handled within the URL by default.

The process for calling the URL is executed via a 'Make Status Check' button situated on the right of the main table. The 'Make Status Check' button, when selected, runs a Visual Basic for Applications (VBA) code routine. The code gathers the required inputs, constructs the URL, retrieves the Status result and populates the Status result field in column four.

## 2.6 How do you call the URL?

This can be done in a variety of ways. In our example the URL is called via a simple coded routine invoked by an on-screen button. When the button is selected, the coded routine follows the process below:



## 2.7 What will XML result returned from the web service result look like?

The XML for the Multiple Status check result is as below:

```
= <statusCheckResult>
  <statusCheckResultType />
  <status />
  <forename />
  <surname />
  <printDate class="sql-date" />
</statusCheckResult>
```

Therefore an example Multiple Status check result would look like:

```
= <statusCheckResult>
  <statusCheckResultType>SUCCESS</statusCheckResultType>
  <status>BLANK_NO_NEW_INFO</status>
  <forename>BILLY</forename>
  <surname>JONES</surname>
  <printDate class="sql-date">2013-06-10</printDate>
</statusCheckResult>
```

## 2.8 Things to remember

Things to remember when building your front-end system:

- Your organisation must develop and maintain its own front-end system.
- A front-end system can be as complex or as simple as your organisation wants it to be.
- The Update Service Multiple Status Check facility is accessed via a web service.
- The web service is the mechanism which exposes the back-end functionality of the Update Service to organisations.
- The web service is called via a URL.
- The URL is constructed using six mandatory inputs.
- The mandatory inputs represent the information relating to an individual's DBS Certificate, your organisation and confirmation of consent to carry out the Status Check.
- All of the required inputs must be included within the URL in order to make a valid Status Check.
- The DBS Certificate inputs must match against an individual with a valid subscription to the Update Service or it will be rejected.
- A Multiple Status Check is really lots of single Status Checks happening in quick succession. Your front-end system must provide for this.



## 3.0 Glossary of Terms

Abbreviation / Term	Description / Definition
API	Application Programming Interface.
Application form reference	The number printed on the top right of the application form under the DBS logo, or the e-reference that may be supplied by the organisation who submitted an online DBS application.
Code/Coding	Programming language.
DBS	Disclosure and Barring Service
DBS Certificate	The Certificate produced by the DBS that is sometimes referred to as a Criminal Record Check.
DBS Certificate reference number	The unique reference number printed on a DBS certificate
Front-end system	The front-end programming interface (your organisation's system) set up to provide access to another system (DBS system).
HTTP	Hypertext Transfer Protocol. HTTP is the data transfer protocol used on the 'World Wide Web'.
Individual	The individual who has subscribed to the Update Service.
Inputs	The variables relating to individual and organisational information needed to construct the URL required to carry out a Status Check.
Integer	A whole number.
Multiple Status Check	Multiple Status Check requests which are submitted at the same time by an individual or organisation using the Multiple Status Check web service.
Status Check	An activity whereby an organisation or an individual makes an online check to see if the information on a DBS certificate is up to date.
Status result	The outcome of the Status Check of a DBS Certificate.
Restful Web	The web service used by the DBS to facilitate the Multiple Status Check.
URL	An acronym for Uniform Resource Locator. A URL relates to a reference (an address) to a resource or web page on the internet.

Update Service Multiple Status Check facility	The service provided by the DBS to enable organisations to carry out Multiple Status Checks at the same time.
VBA	Visual Basic for Applications - a programming language used with Microsoft Applications.
Valid subscription	A subscription to the Update Service that is live at the time a Status Check is made.
Volunteer	A person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative.
Web service	An application programming interface (API) or Web API that is accessed via Hypertext Transfer Protocol (HTTP).