



# **HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY**

**MARCH 2022**

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# 1.HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

## 1.1 Introduction

East Suffolk Council (hereinafter called “the Council”) recognises the important role that private hire and hackney carriage vehicles play in enabling people to travel around the district. They are a highly flexible form of public transport that can play an increasingly important role in improving accessibility for the residents of the district. Whilst carrying out its licensing functions, the Council will have regard to the safety and comfort of members of the public and will expect licence holders to continuously adhere to the high standards outlined within this policy.

Within the East Suffolk district, the Council is responsible for the licensing of of:

Hackney carriage and private hire vehicle drivers

Hackney carriage vehicles (including horse drawn carriages and rickshaws)

Private hire vehicles

Private hire operators

This policy and the appendices detail how the Council will undertake the licensing and regulation of such licences. The Council will have regard to this policy document; however, each application or enforcement action will be considered on its own merits. The policy will be reviewed every 5 years, or sooner if there are significant changes to local circumstances or legislation.

In developing this policy the Council has had regard to relevant legislation and guidance, mainly, but not limited to, the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, the Public Health Act 1875, Immigration Act 2016, Human Rights Act 2016, Road Traffic Acts, Guidance on the Rehabilitation of Offenders Act 1974 – March 2014, The Department for Transport “Taxi and Private Hire Vehicle Licensing Best Practice” and “Statutory Taxi and Private Hire Vehicle Standards” (published July 2020).

## 1.2 Aims and Objectives of the Policy

The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. In setting out its policy, the Council seeks to promote the following:

- Protection and safety of the public, safeguarding children and the vulnerable
- The health and safety of the drivers
- Access to an efficient and effective transport service
- Provide and maintain a professional and respected hackney carriage and private hire trade, by continued monitoring of the required standards of service

This policy sets out the process for applying for a private hire or hackney carriage driver, operator and vehicle licence; the requirements to hold and maintain a licence; the conditions to be adhered to, and the grounds for and process by which the Council may take action against a licence.

Notwithstanding the existence of this policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.

Nothing in this policy will prevent an applicant or licence holder from requesting that the licensing authority considers the individual merits of their case and give reasonable consideration to departing

from its policy. Such request may be made to, or before, the Licensing Sub-Committee or Council officers as deemed appropriate in the circumstances of the case.

This policy will provide the licensing authority and Council officers who are required to administer the licensing function with appropriate guidelines within which to act.

The policy does not override the legal requirements embodied in any legislation in force at the time of adoption or as may be enacted after the adoption of this policy. Any changes in licensing requirements will be followed by a review of the licences already issued.

This policy is published following a review of the Council's previous policies, guidance and conditions. There is now one policy document. Where there are any changes to the previous policies, guidance and conditions, a review of all existing licences will be carried out. If a driver or Private Hire Operator is found not to meet the new licensing standard, the future of the licence will usually be determined by the Licensing sub-committee. This also applies to any future changes to this policy and licensing requirements.

### 1.3 Consideration of Applicants

The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are completed and submitted.

All applicants are expected to act with honesty and integrity throughout the application process and must therefore fully and accurately disclose any information that is requested or relevant. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

**Please note that at least 24 hours notice is required for appointments and collection of new licence plates, badges and documents.**

### 1.4 Delegation

The Council has delegated its licensing function to the Council's Licensing Committee and further delegated authority to the Licensing Sub-Committee and to authorised officers of the Council who will determine applications and licensing decisions, including enforcement, in accordance with this policy.

### 1.5 Fees

There is a statutory power for the licensing authority to charge fees associated with the hackney carriage and private hire licensing regime. The appropriate fee should accompany any application or renewal made.

Fees are reviewed annually and if necessary, the Council will follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976 in respect of advertisement of any variation in fees.

A licence obtained by any form of payment that is subsequently dishonoured will render the licence invalid. The licence document, vehicle identification plate and driver's badge must be returned to the

Council immediately until an alternative form of acceptable payment is made. The Council no longer handles cash transactions.

**All licence documents, vehicle identification plates and driver's badges remain the property of the Council.**

## 1.6 Information and Data Sharing

In the interests of protecting public funds, the Council reserve the right to use any information or data submitted as part of an application, renewal, administration or compliance and enforcement process for the prevention and detection of fraud and crime.

The Council may share your information internally and we reserve the right to check the information you have provided for accuracy and to detect crime. We may share your information with other statutory/regulated Authorities or if it is required by law. Other parties may include the Department for Work and Pensions, the Home Office, the Police, the DVLA, DEFRA (air quality data), HM Revenues and Customs, Disclosure and Barring Service, NAFN (see NR3 below) and other local authorities. More information is available in our Privacy Notice - [Licensing-Privacy-Notice.pdf \(eastsuffolk.gov.uk\)](https://www.eastsuffolk.gov.uk/Document/1234567890/Licensing-Privacy-Notice.pdf)

Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger where there is indication that there is a public protection risk. Information is passed on at charge, or arrest, rather than on conviction, which may be some time after, allowing appropriate measures to be put in place in a timely manner.

A decision to refuse or revoke a licence, if the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the Disclosure and Barring Service.

## 1.7 The National Register of Revocations and Refusals (NR3)

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence. Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the Council will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application. The information recorded on NR3 itself will be limited to:
  - name
  - date of birth
  - address and contact details
  - national insurance number
  - driving licence number
  - decision taken
  - date of decision
  - date decision effective

Information will be retained on NR3 for a period of 25 years.

Data held by the Council will be held securely in accordance with this authority's general policy on the secure retention of personal data which is available at:

<https://www.eastsuffolk.gov.uk/yourcouncil/access-to-information/uk-general-data-protection-regulation-and-data-protection-act/>

At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's licensing teams policy on the erasure and destruction of personal data which is available at [Licensing-Privacy-Notice.pdf \(eastsuffolk.gov.uk\)](#) (as mentioned above data will be stored on NR3 for 25 years regardless of the Council's own retention policy).

This is a mandatory part of applying for a hackney carriage / private hire vehicle driver licence. Information will be processed in accordance with the Data Protection Act (DPA) and UK General Data Protection Regulation (UK GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom. If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the UK GDPR, you can do so to the authority's Data Protection Officer via email [DataProtection@eastsuffolk.gov.uk](mailto:DataProtection@eastsuffolk.gov.uk) or in writing to Data Protection Team, Riverside, 4 Canning Road, Lowestoft NR33 0EQ. This includes submitting a subject access request.

## 1.8 Tax Conditionality

The government is putting in place new tax requirements for applications to certain licences to begin on 4 April 2022.

Most people are registered to pay tax and this is about ensuring everyone pays the tax they should, creating a level playing field for the compliant majority. HMRC are working with industry bodies to make this as straightforward as possible. The check should take a few minutes every few years and is simply to confirm that someone is appropriately registered for tax.

New applicants and existing drivers will be required to complete a tax check on first application and on renewal of:

- hackney carriage drivers licence
- private hire vehicle (and dual licences) drivers licence
- private hire vehicle operator licence

The tax check can be completed on GOV.UK, through a Government Gateway account. A few questions will be asked by HMRC about any tax that may be due on income you earn from your licensed trade. If the applicant/driver does not already have Government Gateway account, sign up details are on GOV.UK.

The tax check should only take a few minutes. There will be guidance on GOV.UK and anyone who needs extra support will be able to complete the tax check by phone through HMRC's customer helpline. When the tax check is complete, a code will be issued. This code must be given to the Council. The licence application or renewal will not be processed until the tax check is completed and the code provided. The Council will only receive confirmation from HMRC that the tax check is completed, it will not have access to information about any tax affairs.

Further information is available at

- AYE information: [www.gov.uk/income-tax/how-you-pay-income-tax](http://www.gov.uk/income-tax/how-you-pay-income-tax)
- Registering for Self Assessment: [www.gov.uk/register-for-self-assessment](http://www.gov.uk/register-for-self-assessment)
- Corporation Tax information: [www.gov.uk/corporation-tax](http://www.gov.uk/corporation-tax)



Schedule 23 to Finance Act 2011 (Data Gathering Powers) and Schedule 36 to Finance Act 2008 (Information and Inspection Powers), grant HMRC powers to obtain relevant information from third parties. This includes licensing bodies being required to provide information about licence applicants.

## 2. DRIVERS

### 2.1 Licences

This licence allows a person to drive a licensed vehicle, whether it is a hackney carriage or a private hire vehicle. The Council issues:

- Private hire driver licence, and
- Dual private hire & hackney carriage driver licence.

Licences shall be issued for a maximum period of three years. An exception to this is those applicants who's right to remain or work in the UK is less than the three-year period. In such cases the licence shall only be issued for the same period as the leave to remain or right to work allows.

Drivers of hackney carriages should have a copy of the relevant Byelaws and also be aware of the provisions of the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976, all of which contain provisions which, if breached, can result in prosecution, suspension or revocation of the licence.

Drivers of Private Hire Vehicle must be aware of the Local Government (Miscellaneous Provisions) Act 1976 which contains provisions which, if breached, can result in prosecution or the suspension or revocation of the licence.

Where licence holders have broken any licence condition, or any complaints and/or criminal behaviour are brought to the attention of the Council the licence holder may be subject to enforcement action. This may result in the revocation of a licence.

A refusal to licence an individual as a driver, or to suspend or revoke a driver licence, does not automatically mean that the individual cannot be issued with or continue to hold a vehicle or private hire vehicle operator licence. Any decision will be independent of a driver licence refusal and will be based on the appropriate information.

Towards the end of the life of the licence, the Council will send a reminder, which is by way of courtesy only, to licensed drivers approximately six weeks before their licence is due to expire. It is the driver's responsibility to ensure their licences are kept up to date and **not having received a reminder will not be accepted as a reason for non-renewal of licences.**

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## 2.2 Fit and Proper Person

The Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to drive a hackney carriage or private hire vehicle, and that person must then remain fit and proper for the duration of that licence.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either Officers or Members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

Licensed drivers are in a position of trust, and therefore the Council must ensure that drivers are, and remain, fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of The Local Government (Miscellaneous Provisions) Act 1976 (Part II).

Licensing authorities have a duty to ensure that any person to whom they grant a hackney carriage or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to consider the following question:

*'Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night? If on the balance of probabilities, the answer is no, the individual should not hold a licence'.*

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration (but not limited to) the following factors:

- criminality
- driving history
- driving ability
- right to work
- medical history
- standard of verbal and written English
- any previous licensing history
- anything else that may bring into question the applicants' suitability to hold a licence

In addition, the Council will consider any further information sources including the Police, neighbouring authorities, child and adult safeguarding boards, county councils and the National Register of Taxi Licence Refusals and Revocations (NR3).

The Council may at any time throughout the duration of the licence access the DVLA records of the applicants to ensure their driving meets the requirements of this policy. Declarations must be signed that allow for the applicant's Driver and Vehicle Licensing Agency (DVLA) record to be reviewed throughout the duration of the licence, alongside their Disclosure and Barring Service (DBS) record through the online update service. Any refusal to grant authorisation for such checks/reports will lead to refusal to grant/renew, or suspension/revocation of a hackney carriage or private hire driver's licence.

### 2.3 Certificate of Good Conduct

Applicants who have lived out of the UK for any period of time within the five years prior to their application or renewal must obtain a certificate of good conduct from the relevant embassy or consulate covering that period.

The certificate of good conduct must be authenticated, translated and sealed by the relevant embassy or consulate. Any costs associated with obtaining a certificate of good conduct are the responsibility of the applicant.

### 2.4 Age and Experience

A full DVLA driving licence must have been held for at least 12 months. An applicant will be required to provide a share code in order that the Council can make checks with DVLA regarding the validity of the licence. An applicant can obtain this by going onto the DVLA website. By entering their driver number (on DVLA driving licence), their postcode and their National Insurance number an applicant can obtain a 'share information code' which must be given to the Council.

If there are endorsements on the DVLA driving licence, the application may have to be determined by a Licensing sub-committee hearing. Current endorsements will be considered and in cases of major traffic offences an application will usually be refused. Where there are a number of minor offences this will also require serious consideration.

For the purposes of obtaining a Private Hire or Hackney Carriage Drivers licence within the East Suffolk district the applicant must hold a UK DVLA licence.

Applicants from countries outside of the UK must have held a full UK DVLA driving licence for at least 12 months before the Council will accept an application.

### 2.5 Disclosure and Barring Service

An enhanced Disclosure and Barring check must be carried out. All new applicants will be required to sign up to the Disclosure and Baring Update Service. If an applicant is not already signed up to this service (through other employment of a similar nature within the same workforce – see Disclosure and Baring Service website for guidance) they will be required to do so once they have received their initial DBS certificate. The cost for this must be paid by the applicant.

All existing licensed drivers, who are not yet signed up to the Update Service, will be required to subscribe upon renewal of their driver's licence. They will be required to renew their subscription to the DBS Update Service on an annual basis, before their current subscription ends, should they wish to continue to hold a driver's licence with East Suffolk Council. Where an individual fails to maintain and/or renew their subscription before it ends; they will be required to apply for a new DBS Check and register for the Update Service again at their own cost.

All licensed drivers will be required to evidence continuous registration with the DBS Update Service to enable the Licensing Authority to routinely check for new information every 6 months.

The licence may be suspended or not renewed unless the licensing section has the means of checking for criminal activity – convicted or otherwise.

In order to sign up to the online service the applicant, on receipt of their completed Enhanced DBS Certificate, must register for the service within 19 days of the DBS certificate issue date. Upon licence renewal the applicant will need to provide the Council with their original certificate in order for the update service to be checked.

All applicants (both new and renewals) must declare on the application form all convictions, cautions, informal warnings, fixed penalty notices, driving offences, civil actions, county court judgements, arrests and any on-going criminal, civil or traffic related investigation. It is essential that **all** information is declared. Failure to inform the Council of any information may result in the application being refused or a licence being suspended or revoked.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the “Exceptions Order”) does not apply to applicants for hackney carriage and private hire driver licences. All drivers **MUST** disclose on their application form all convictions, including those that would normally be regarded as spent.

A licence will not be issued to any individual who appears on either the children or adult Barred Lists from the DBS, unless there are exceptional circumstances.

Applications by foreign nationals:

If the applicant is an overseas applicant, the following documentation will be required (the cost for which must be paid by the applicant):

- I. A certificate of good conduct/character/citizenship from the embassy, consulate or High Commission of the country where they resided. This must be obtained at the applicant’s expense
- II. If necessary, a written English translation of the above certificate (together with documentary proof that the translation is correct)

## **2.6 Right to Work in the UK**

All applicants must provide evidence of their right to work in the UK. This is required for the first application and all renewals. No licence will be granted or accepted, until the applicant is able to prove they have a ‘right to a licence’ in the UK.

Right to work in the UK will be checked as part of the licence application, this could include the Licensing Authority checking the applicant’s immigration status with the Home Office. The Licensing Authority may also share information with the Home Office. Applicants must either share their immigration status using the Home Office online checking service ‘prove your right to work to an employer’ if their status is compatible with the service or provide a document or document combination that is stipulated as being suitable for this check.

Where an online check has been carried out, the ‘profile’ page confirming your right to work will be copied and retained by the licensing authority. Where a manual check is carried out, and you have provided a document(s) set out at [Employers' right to work checklist \(accessible version\) - GOV.UK \(www.gov.uk\)](#) you must provide the original document(s). The document(s) will be copied, and the copy retained by the Licensing Authority. The original document will be returned to you.

An application will not be considered valid until all the necessary information and any original document(s) have been produced and the relevant fee has been paid. If there are restrictions on the length of time an individual may work in the UK, a licence will not be issued for any longer than this

period. In such circumstances the check will be repeated each time the individual applies to renew or extend their licence. If, during this period, the individual is disqualified from holding a licence because they have not complied with the UK's immigration laws, their licence will lapse and they must return it to the licensing authority.

If there is any doubt about an individual's right to work in the UK, the Council's licensing staff may carry out checks with the Home Office.

If the Council has any concerns that an applicant has been working in the UK illegally then this information will be reported to the Home Office and relevant Border authorities. Where an existing licence holder is served an immigration penalty or convicted of an immigration offence, the licence will be revoked.

## 2.7 Medical Assessment

The medical fitness standard adopted by the Council for licence holders reflects the fitness standard for the Group 2 DVLA drivers (Group 2 licence holders are permitted to drive large goods vehicles, buses and coaches). Professional drivers spend substantially longer at the wheel than private motorists and are expected to carry passenger's luggage and shopping and may be required to assist disabled passengers.

A medical remains valid until the age of 45. At 45 years of age a new medical certificate will be required, regardless of how long it has been since the individual's original application. A new certificate will then be required at the age of 50 years, 55 years, 60 years and 65 years. After 65 years of age, an annual medical certificate will be required.

Applicants who hold a valid DVLA Group 2 licence do not have to provide any other medical information.

The Council's medical examination form must be used and it must be completed by the applicant's own GP or a registered GP who has access to the applicant's medical records at the time of their assessment. Where medical conditions are noted by the GP, additional medicals or an alternative frequency of assessment may be required. All costs shall be paid for by the applicant.

Where the licensing authority is in any doubt as to the medical fitness of the applicant, including existing drivers, further medical examinations may be required to be undertaken. Any costs relating to these additional assessments shall be paid for by the applicant.

Licence holders must provide written notice to the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities within seven days. Such notice **MUST** be given in writing (can be via email) from the moment that the person becomes aware of the deterioration. The Statement of Medical Standards can be found at **Appendix B**.

## 2.8 Assistance Dogs

Under the Equality Act 2010, licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles, and allow it to remain under the physical control of the owner without additional charge. It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

A licensed driver may only refuse to carry an assistance dog where he or she has a medical exemption. A medical exemption may be granted by the licensing authority where the licensed driver has provided

detailed medical evidence that shows a medical condition will be aggravated by exposure to dogs. If the medical exemption is granted, then the licensed driver will be issued with an exemption certificate.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or charge more for the fare or booking.

## 2.9 Convictions, Cautions and Driving Offences

Where convictions and cautions have been declared by the applicant or disclosed on the DBS Certificate the Council must ensure that it is satisfied that the applicant is a fit and proper person to hold a licence. The Council will refer to the Criminal Records Policy for guidance which can be found in **Appendix C**.

Where convictions, cautions and driving offences have been imposed on an existing licence holder the same Criminal Records Policy will be referred to in order to determine that the licensed driver remains a fit and proper person to hold the licence.

## 2.10 Tests and Assessments

### Pre-application Test

All new applicants will be required to undertake and pass the Council's initial application test in language proficiency. This will cover both oral and written English language skills to ensure the applicant has the ability to understand written documents, such as policies, guidance and conditions; in particular relating to the protection of children and vulnerable adults and applying this to identify any concerns regarding safeguarding or exploitation. **This test should be completed at the very start of the application process**, before submitting the full application, or undertaking any of the other requirements such as driving assessment, college course, or medical examination. If the applicant does not pass this first test, the application will not progress.

### College Course

All new applicants are required to attend and successfully complete, at their own cost, a course in the Introduction to the Role of Professional Taxi and Private Hire Driver. The course is provided by East Coast College in Lowestoft, Suffolk New College in Ipswich and West Suffolk College in Bury St Edmunds.

The course content includes the following:

- Health and safety in the taxi and private hire work environment
- Road safety when driving passengers in a taxi or private hire vehicle
- Professional customer service in the taxi and private hire industry
- Taxi and private hire vehicle maintenance and safety inspections
- The regulatory framework of the taxi and private hire industry
- Taxi and private hire services for passengers who require assistance
- Routes and fares in the taxi and private hire vehicle industries
- Transporting of parcels, luggage and other items in the taxi and private hire industries
- Transporting of children and young persons by taxi or private hire vehicles (safeguarding, county lines and exploitation)
- Disability awareness

The course should be booked directly with the colleges via their websites. Payment should be made directly to the college. A certificate of achievement must be obtained and provided to the Council.

Existing licensed drivers will be required to undertake, at their own cost, a half day course which will be based upon safeguarding, disability awareness and exploitation. The half day course is available at East Coast College in Lowestoft, West Suffolk College in Bury St Edmunds and the Education Centre (West Suffolk College) at 11 Fore Street, Ipswich IP4 1JW. Existing drivers will be required to complete the half day course during the 3 months before the renewal of their licence. The licence will not be renewed if this training is not completed. [www.eastcoast.ac.uk](http://www.eastcoast.ac.uk) [www.wsc.ac.uk](http://www.wsc.ac.uk)

### **Practical Driving Assessment**

A driving assessment must be completed to ensure the applicant is competent in vehicular control and is able to carry out manoeuvres smoothly and safely. Part of the assessment includes a knowledge test to demonstrate the applicant has adequate knowledge of the legislation and the Council's licensing requirements.

A hackney carriage applicant will also be required to undertake a test which will involve having geographical knowledge and being able to state the shortest route between two points given by the examiner.

Applicants will be permitted to take the knowledge test a maximum of three times and if it is not passed at the third attempt, they will be required to wait for a period of 6 months before re-taking the assessment. Additional study of the legislation and licensing requirements will be encouraged.

Driving assessments should be booked directly with Mr Bob Gosden, the Council's approved driving examiner, by telephoning 01473 716873. The test will be carried out in the applicant's own vehicle, which must be correctly insured, and the applicant must pay the cost of the test directly to Mr Gosden.

## **2.11 Conditions of Licence**

The Council attaches conditions to the private hire and hackney carriage driver's licence. These conditions can be found attached at **Appendix D**.

Hackney carriage drivers must adhere to a set of Byelaws made under section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Council with respect to hackney carriages within the East Suffolk district. These Byelaws can be found attached at **Appendices E & F**.

Driver conditions relate to matters such as driver conduct, dress code, carrying passengers and animals, charging, change of driver details, lost property and medical standards.

Drivers will be required to notify the Council **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonestly or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review of the licence by the Licensing Authority as to whether the licence holder remains a fit and proper person to hold a licence.

Any breach of the driver conditions, or failure to comply with the licensing requirements, will be subject to the Council's Penalty Points Scheme and any appropriate regulatory and enforcement action. This may take the form of:

- A verbal, informal warning or a formal written warning
- Appearance before a Licensing Hearing. This could result in suspension, revocation or refusal to renew the licence



- Formal Caution - this means that the driver has admitted the offence. It will remain on the driver's record and may be taken into account in any future prosecution
- Prosecution - most offences, but not all, are liable on summary conviction, to a fine not exceeding level 3 on the standard scale, currently £1000
- Penalty Points - details of the Council's scheme is set out in **Appendix G**

If a driver is required to appear before a Licensing sub-committee, information about the procedure will be provided.

Generally, a driver will have a right of appeal to the Magistrate's Court if his/her application is refused, if he/she thinks any condition attached to a licence is unreasonable, or if his/her licence(s) are suspended, revoked or not renewed.

Licensees should be aware that disciplinary action will be taken in respect of any use of threatening or abusive behaviour by licensees towards a Council employee, or an agency garage employee/ vehicle inspector.

## 2.12 Hours of Driving

Whilst there is no law governing the hours that licensed drivers can work, the Council takes a serious view of any action that may result in the safety of the passenger being compromised. When drivers have worked extremely long hours, perhaps a double shift, or have undertaken a long haul journey shortly before the end of a normal shift, there is a real danger that their ability and alertness is affected.

Drivers must advise their operators if they are suffering from fatigue that may endanger passenger safety and cease working at the earliest opportunity.

## 2.13 Detecting the Use of Illegal Drugs

The Council views drug use as completely incompatible with being a fit and proper person to be entrusted with the safe carriage of the general public as well as the dangers presented to other road users by a licensed driver.

The Policy for Detecting use of Illegal Drugs therefore aims to establish procedures to allow for intelligence-led drugs testing of licensed drivers, and the testing of licensed drivers where a licence has been granted subject to random drug testing, with the intention of both detecting drivers who use illegal drugs and also deterring such persons from continuing to use drugs.

The Policy also provides a discretionary power for certain applicants for the grant of licences to drive hackney carriages or private hire vehicles, and who have a criminal record involving drug-related offences, to be required to pass a drugs test at their own expense as one part of the application process.

Finally, the Policy also provides a discretionary power for applicants seeking to renew their licences to drive hackney carriages or private hire vehicles, and who have been convicted during the currency of their licence of drug-related offences, to be required to pass a drugs test at their own expense as one part of the renewal application process. The Policy is at **Appendix H**.



## 2.14 Application Procedure

The procedure for a new driver application is as follows:

- Complete and pass the pre-application test at the Council Offices. The applicant must pass this test before continuing with their application, the cost of the test will be paid for by the applicant
- Complete the application form, provide the necessary documentation and pay the application fee during an appointment with the Licensing Team. The DBS application form can also be completed during the appointment, or the DBS Update Service check code can be provided
- Undergo a Group 2 medical assessment with GP
- Provide a Certificate of Good Conduct (where appropriate)
- Provide evidence of Right to Work in the UK (in line with Home Office requirements)
- Undertake driver college course 'Certificate in the Introduction to the Role of Professional Taxi and Private Hire Driver'
- Undertake the practical driving assessment with the Council's approved examiner
- Complete the declaration and pay the licence fee at the point of issue of the licence

The procedure for a renewal application is as follows:

- Undertake the half day training course at one of the 3 named venues providing the course in the 3 months prior to the licence expiry date. Each venue will provide confirmation of attendance
- Complete the application form, provide the necessary documentation and pay the application fee

## 3. PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES

### 3.1 Differences between Hackney Carriage and Private Hire Vehicles

The main difference between a hackney carriage vehicle and a private hire vehicle is that hackney carriages are permitted to use designated ranks and can also be hailed down in the street. They are usually identified with a TAXI sign on the roof. Private hire vehicles cannot be hailed down in the street but must be pre-booked via the office or base of a licensed private hire operator. Private hire vehicles must not have roof signs but are permitted to have non-luminous signs or advertisements on the vehicle. There is no set fare for a private hire vehicle journey, so the fare price should be confirmed at the time of booking. A tariff of fares sets out the maximum fares for a hackney carriage vehicle and this should be displayed in the vehicle.

Providing a vehicle meets the required standard, the Council will also licence private hire vehicles that have been modified or converted after manufacture, such as stretched limousines. Not all drivers are qualified to drive these vehicles and private hire vehicle operators must comply with additional conditions when hiring them out.

Private hire vehicles are licensed permanently for the duration of the licence meaning only drivers licensed by East Suffolk Council are allowed to drive vehicles licensed by the Council, even though the vehicle may be insured for social, domestic and pleasure use as well as hire and reward.

A further description of private hire vehicles, hackney carriages and special event private hire vehicles can be found as **Appendix A**.

### 3.2 Dual Plating

No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocation).

### 3.3 Vehicle Specification

Any vehicle which is to be licensed must comply with the Council's Manual of Inspections Standards. This is available on the Council's website – [Microsoft Word - Vehicle spec Jan 20 \(eastsuffolk.gov.uk\)](http://Microsoft Word - Vehicle spec Jan 20 (eastsuffolk.gov.uk)) . The Council has appointed agency garages to carry out vehicle checks and ensure that the standards set out in the manual are complied with.

There are two aspects to be considered:

- a) The size of the vehicle. The Council has adopted minimum specifications for vehicles carrying 4 passengers and larger vehicles (the maximum number of passengers is 8). The Council will not licence vehicles to carry less than 4 passengers. It is an offence to carry more than the permitted number of passengers and this may also invalidate the vehicle insurance.
- b) The vehicle will have to comply with the Council's Manual of Inspection Standards in terms of its general condition and the equipment it is carrying.

### 3.4 Vehicle Testing

A fee will be payable by the licensee directly to the agency garage for each test or re-test. Tests are carried out annually on the initial application and then on each renewal. 'Mid-term' tests are also required thus meaning that a vehicle is tested every six months.

The test should not be carried out more than 6 weeks before the date of application, or the date of expiry of the vehicle licence. This also applies to mid-term tests and the test should be carried out no more than 6 weeks before the mid-term test is due. Any mechanical inspection certificate found to be issued 6 weeks before the relevant dates will not be accepted.

A current insurance certificate must be produced to the agency garage during the six monthly 'Mid-term' test.

Proprietors can arrange for any of the following garages to carry out the test on hackney carriage or private hire vehicles:

Crisps of Knodishall	Telephone (01728) 830509
FS Tyres at Woodbridge	Telephone (01394) 383456
Langer Park Services at Felixstowe	Telephone (01394) 284156
Tollgate Services at Felixstowe	Telephone (01394) 283925
East Suffolk Norse Depot, Ufford	Telephone (01394) 444000
East Suffolk Norse Depot, Lowestoft	Telephone (01502) 565626

Vehicles offering wheelchair accessibility can only be tested at the Norse depots.

Modified vehicles such as stretched limousines can only be tested at approved testing stations authorised to deal with this type of vehicle.

A vehicle licence will be suspended if a valid mechanical certificate is not provided by the required date. In addition to the mechanical inspection certificate, licensing staff will require the following documents before a vehicle can be licensed:

- a) The Vehicle Registration Document.
- b) An MOT - this is required when hackney carriages are one year old and over, and when private hire vehicles are three years old and over. An MOT certificate relating to a modified vehicle must be issued by a testing station authorised to inspect this category of vehicle.
- c) Evidence of valid insurance cover.
- d) If the vehicle is modified, additional documentation relating to the conversion and importation of the vehicle will be required.

As well as the annual and 'mid term' test, a vehicle may be called in for inspection at either one of the agency garages or the Depot on one other occasion during the year. This action will be taken if the Council has reasonable cause to be concerned about the condition of the vehicle. A notice will be served setting out the date, time and place of the inspection. If work to the vehicle is required in these circumstances the cost will be paid for by the driver, or vehicle proprietor.

There may be other occasions, over and above the 3 inspections mentioned above, when it is appropriate for an 'immediate' inspection to take place at the Depot; for instance, if the Council receives a complaint and has reasonable cause to be concerned about the condition of the vehicle. If this is necessary, the reason for the inspection will be explained to the licensee at the time the vehicle is called in. Work to the vehicle may be required in these circumstances which will be paid for by the driver, or vehicle proprietor.

### **Spot Checks**

The Council's licensing staff may carry out a spot check on a licensed vehicle, including testing of the meter if appropriate, at any time. A suspension notice may be issued if a vehicle is found to be in an unsatisfactory condition.

## **3.5 Vehicle Proprietors**

### **Hackney Carriage Proprietors**

Under section 48 of the Town Police Clauses Act 1847, the proprietor of a hackney carriage shall obtain and retain the licence of any driver who he employs or permits to drive that hackney carriage. This means that the proprietor of a hackney carriage must request and keep the hackney carriage driver's licence whilst that driver is working for him (a copy is acceptable).

## **3.6 DBS Checks for Vehicle Proprietors**

Where a vehicle proprietor is not a licensed driver, or a Private Hire Operator, they will be required to obtain a 'basic' DBS check from the Disclosure and Barring Service.

All new applicants will be required to sign up to the Disclosure and Baring Update Service. If an applicant is not already signed up to this service (through other employment of a similar nature within the same workforce – see Disclosure and Baring Service website for guidance) they will be required to do so once they have received their initial DBS certificate. The cost for this must be paid by the applicant.

All existing proprietors of a licensed vehicle, who are not yet signed up to the Update Service, will be required to subscribe upon renewal of the vehicle(s) licence. They will then be required to renew their subscription to the DBS Update Service on an annual basis, before their current subscription ends,

should they wish to continue to hold a vehicle licence with East Suffolk Council. Where an individual fails to maintain and/ or renew their subscription before it ends; they will be required to apply for a new DBS Check and register for the Update Service again at their own cost.

The Licensing Authority will carry out annual checks on vehicle proprietors (where they have no driver or PH Operator licence) through the Update Service.

### 3.7 Conditions of Licence

Conditions are imposed on all operator, driver and vehicle licences and the Council is empowered to impose any conditions that are considered reasonably necessary in the granting of a licence. The conditions will be attached to the licence upon issue and are detailed, for vehicles, in **Appendix K**. All applicants will be expected to have read and understood these conditions, any breach of the conditions will result in penalty points being issued or the licence being considered for review.

### 3.8 Hackney Carriage Tariffs

There are two different tariffs for hackney carriages within East Suffolk; one in the north of the district and one in the south (the former Waveney and Suffolk Coastal geographical areas). Applicants for a hackney carriage vehicle licence must decide whether they wish to work in the north or the south of the district. The vehicle plate will identify the chosen area.

The Council sets the maximum fares hackney carriage drivers can charge, sometimes as a result of a request for a review of charges from the trade, and this is broken down into separate charges, in a 'tariff'. A driver cannot charge more than the Council tariff but can charge less if they wish.

The fees stated on the Council's approved tariff must not be exceeded.

### 3.9 Meters

All hackney carriages are required to be fitted with a taximeter which must be calibrated to the current Council tariff and sealed by Council staff. Private hire vehicles, that have a meter fitted, must be calibrated to the current tariff set by the vehicle's private hire operator. Council staff must be made aware of any changes to the fare table and will check private hire vehicle meters for accuracy. A copy of the private hire operators current fare chart must be clearly displayed in the vehicle.

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired. If the charge is calculated from a fare/tariff, a current fare table must be displayed where it can easily be seen by passengers and the hirer/passenger must be informed at the time of booking that a fare table will be used.

Seals must be intact at any time that the vehicle carries a licence plate, except when at an approved installers premises.

Licensed drivers must not, if driving a licensed vehicle fitted with a taximeter, cause the fare to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

Licensed drivers must 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 taximeter, and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

It is an offence for any person to tamper with any seal on any taximeter without lawful excuse; or to alter any taximeter with intent to mislead.

### 3.10 Altering the Vehicle

Approval of the Council must be obtained before any alterations are made to the car that will change the specification, design, condition or appearance of a licensed vehicle. The request must be made in writing and a written response will be provided.

### 3.11 Selling the Vehicle

If the vehicle is sold to someone else who is going to use it for taxi work the Council must be informed, in writing and within 14 days of the name and address of the new owner. If this is not done the existing owner will remain responsible for the hackney carriage or private hire vehicle licence. A fee will be charged to transfer the licence to the new owner.

If the vehicle is sold as a private car the vehicle identification plates must be removed and returned to the Council. If another car is going to be used for taxi work it must be licensed and plated **before** it is used for taxi work.

### 3.12 Smoking in vehicles

Smoking is prohibited in licensed vehicles by law, and the use of e-cigarettes to 'vape' is prohibited by East Suffolk Council; this includes both drivers and passengers.

### 3.13 Accident reporting procedure

Vehicle proprietors **must** report **any** accident damage to the vehicle that affects the safety, performance, appearance or passenger comfort/convenience **within 72 hours**.

The relevant report procedure for the Council is attached as **Appendix I**.

### 3.14 Temporary Vehicle Licences

The Council operates a facility whereby a replacement vehicle can be licensed, on production of limited documentation, for a temporary period of **up to one month in total**. This is **only available** when a vehicle is being repaired because of accident damage or breakdown and the period allowed will depend on the time agreed for the repairs to be completed. In order to take advantage of this facility the driver must contact the Council **before** using the replacement car for hackney carriage/private hire work. A temporary plate will be for one month only and will not be extended.

### 3.15 Suspension or Revocation of a Vehicle Licence

A suspension or revocation notice takes effect **immediately it is served** and the vehicle cannot be used for hackney carriage/private hire work until the notice is lifted. Licensing staff or the Police may remove vehicle plates at the time the notice is served. Alternatively, 7 days will be given in which to return them. If a suspension notice is not lifted within 2 months the licence will be deemed to be revoked.

### 3.16 Trailers

If a licence holder is considering using a trailer, it must be approved by the Council before it is fitted.

### 3.17 Tinted Windows

Road Vehicles (Construction & Use) Regulations 1986 specify the minimum levels of light that must pass through the windscreen and front side windows.

Motor vehicles first used on or before 1<sup>st</sup> April 1985:

The windscreen and front side windows must allow at least 70% of light to be transmitted through them.

Motor vehicles first used on or after 1<sup>st</sup> April 1985:

The light transmitted through the windscreen must be at least 75%.

The front windows must allow at least 70% of light to be transmitted through them.

### 3.18 CCTV

The hackney carriage and private hire trade provide a valuable public service, especially at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.

It is not proposed that measures such as CCTV cameras should be required as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. However, installation of CCTV cameras in vehicles on a voluntary basis will require the operator to handle relevant data gathered in an appropriate and secure manner and in accordance with data protection law.

The Council's policy on the use of CCTV can be found at **Appendix J**. The conditions contained in the policy must be adhered to at all times.

### 3.19 Maximum number of Passengers

It must be remembered that a licence is issued for a maximum number of passengers, (**regardless of age or size**), and it is an offence to carry more than the number licensed for and is likely to also invalidate the vehicle insurance. However, with regard to the Council's fare tariff infants in arms are excluded from any charge.

### 3.20 Seat Belts

The law requires all children travelling in the front or rear seat of any car, van or goods vehicle must use the [correct child car seat](#) until they are either 135 cm in height or 12 years old (whichever they reach first). After this they must use an adult seat belt. There are very few exceptions.

It is the driver's responsibility to ensure that children under the age of 14 years are restrained correctly in accordance with the law.

	Front Seat	Rear Seat	Who is responsible?
Driver	The driver of a <b>hackney carriage</b> vehicle need not wear a seatbelt whilst seeking hire, answering a	N/A	Driver

	call for hire, or carrying a passenger for hire.  The driver of a <b>private hire</b> vehicle need not wear a seat belt whilst carrying a passenger for hire.		
Child under 3 years of age	Correct child car seat must be used. It is illegal to carry a child in a rearward-facing child seat in the front if there is an active front passenger airbag. The airbag must be deactivated, or the rearward-facing child seat must be placed in the rear. If the correct restraint is not available the child <b>MUST</b> travel in the rear of the vehicle.	The correct child restraint must be used. If one is not available in a licensed taxi or private hire vehicle, the child may travel unrestrained in adult arms. This is not endorsed by the Council and the driver should ensure that appropriate restraints are used.	Driver
Child aged 3 to 11 or <b>under</b> 1.35 metres tall	The correct car seat for their weight, or correct child restraint. If the correct restraint is not available the child <b>MUST</b> travel in the rear of the vehicle.	Where seat belts are fitted, the correct child restraint must be used.  The child must use an adult belt in the back seat if the correct child restraint is not available.	Driver
Child aged 12 or 13 and <b>over</b> 1.35 metres tall	Seat belt must be worn if fitted.	Seat belt must be worn if fitted.	Driver
Passengers aged 14 years and over	Seat belt must be worn if fitted.	Seat belt must be worn if fitted.	Passenger

### 3.21 Identification of Licensed Vehicles

All vehicles must clearly indicate to the public that the vehicle is licensed by way of identifiable licence plates. The public must be able to clearly distinguish the difference between a private hire and hackney carriage vehicle. The Council’s private hire and hackney carriage vehicle licence conditions state how these should be displayed. These conditions can be found attached at **Appendix K**.

#### Exemptions

There are limited occasions/circumstances when identification plates may be removed from a licensed vehicle with the prior consent of the Council. If such consent is given, it will be subject to other conditions that enable enforcement officers to identify the vehicle and enable the driver of the vehicle to prove that the vehicle is licensed.

### 3.22 Advertising on Vehicles

Hackney Carriage Only:

must have an illuminated sign fixed to the roof bearing the word “taxi” and no other word.

must display and maintain the scale of fares fixed by the Council so as to be clearly visible to passengers.

may display:

- a) an illuminated “for hire” sign
- b) windscreen sticker with name and number of taxi firm

- c) any other non-luminous sign or advertisement  
must be fitted with a meter which is clearly visible to all passengers

Private Hire Vehicles Only:

- must not have a sign or advertisement which includes the word “taxi” or “cab” in any form  
must not have an illuminated sign of any description  
may be fitted with a meter which must be clearly visible to all passengers

### 3.23 Wheelchair Accessibility

Sections 167 of the Equality Act 2010 allows Licensing Authorities to publish a list ‘designated vehicles’ which is a list of the wheelchair accessible vehicles licensed in their area. This list is available on the East Suffolk Council website.

Section 165 requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers, and prohibits them from charging extra.

Section 166 of the 2010 Act allows an exemption certificate to be issued by the authority if there are grounds making it impossible or unreasonably difficult for them to comply with those duties, but there can be no exemption from the prohibition on charging extra for wheelchair passengers.

The specific duties placed on the drivers of designated wheelchair accessible hackney carriage and private hire vehicles are:

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

#### Driver Training

All drivers of wheelchair accessible vehicles will be required to undertake an approved DVSA wheelchair accessible training course with regard to disability awareness and how to safely load, secure and unload a wheelchair. This training must be carried out at the driver’s expense and an attendance certificate must be presented to the Council upon the new vehicle application, or within 3 months of a driver acquiring a wheelchair accessible vehicle. The Council can provide details of training providers.

### 3.24 Byelaws for Hackney Carriages

Hackney Carriages are subject to Byelaws made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875. These Byelaws are attached at **Appendices E and F**.

### 3.25 Stretched Limousines and Modified Vehicles

The Council will consider applications to licence a small (less than 9 passenger seats) limousine.

Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances,



the Council will consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers.

If the vehicle has been imported, certification under the Single Vehicle Approval (SVA) scheme must be produced together with the declaration made at the time. Documentation relating to the vehicle provenance and conversion must also be produced to the satisfaction of the Council.

Modified private hire vehicles, such as stretched limousines must be presented and tested by an approved specialist every six months. Such vehicles must be presented to the Council's Senior Vehicle Examiner.

### **3.26 Funeral Vehicles**

Vehicles owned by funeral directors that are used wholly or mainly for the purposes of funerals are exempt from the requirement to be licensed.

### **3.27 Wedding Vehicles**

Vehicles used wholly or mainly for the traditional purposes of wedding ceremonies are exempt from the requirement to be licensed.

### **3.28 Executive Hire**

The Local Government (Miscellaneous Provisions) Act 1976 requires that a Council must issue a private hire vehicle plate with an identity plate or disc and that proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council.

The act also gives the Council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle. Each application for a dispensation will be considered on its own merits. The overriding consideration will be public safety.

Dispensation will not be granted as a matter of course. A clear case for the dispensation will have to be made by the proprietor in writing. In determining an application, it will normally be the status of the passenger and the executive of the work that will indicate whether or not the dispensation should be granted. The vehicle must be of a high standard.

Any vehicle proposed to be used for executive hire must be licensed as a private hire vehicle. Vehicles used for this purpose must meet all the requirements for private hire vehicles.

A discreet plate means that the vehicle does not need to display the same number of signs that a standard vehicle is required to do. However, these vehicles must carry the plate issued by the Council in the boot of the vehicle. The driver must also have in the vehicle a copy of a notice from the Council confirming that the vehicle does not have to display a standard plate.

### **3.29 Complaints**

Any member of the public or passenger is able to make a complaint about the driver, the vehicle or the journey directly to the Licensing Team via the Council's website under the taxi and private hire licensing

pages. Stickers stating how to make a complaint to the Council will be provided by the Council which must be displayed in all licensed hackney carriage and private hire vehicles.

### 3.30 Application Procedure

The Council will consider all applications for vehicle licences on their own merits once the application is complete. The vehicle must meet the requirements of this policy and the Manual of Inspections Standards.

The applicant must provide:

- The completed application form and appropriate fee
- The Vehicle Registration Document
- An MOT - this is required when hackney carriages are one year old and over, and when private hire vehicles are three years old and over. An MOT certificate relating to a modified vehicle must be issued by a testing station authorised to inspect this category of vehicle
- Evidence of valid insurance cover
- Mechanical inspection certificate
- If the vehicle is modified, additional documentation relating to the conversion and importation of the vehicle will be required

#### Renewals

The Council issues hackney carriage and private hire vehicle licences for a period of one year.

The Council will send a reminder, which is by way of courtesy only, to licensed vehicle driver's/owner's approximately six weeks before their licence is due to expire. It is the drivers/owners responsibility to ensure their licences are kept up to date and **not having received a reminder will not be accepted as a reason for non-renewal of licences.**

## RICKSHAWS

### 3.31 Introduction

Auto-rickshaws or tuk-tuks are motorised, (electric motor or traditional internal combustion) typically with three wheels, designed for various uses one of which being for the purpose of carrying fare paying passengers – normally two or three although larger vehicles can carry up to six passengers.

Cycle-rickshaws or pedicabs, are pedal powered cycles (sometimes electrically assisted) with typically three or four wheels, used for the purpose of carrying fare paying passengers – normally two.

For either category of vehicle, motorised or un-motorised, utilising one to transport passengers on a 'hire and reward' basis requires regulation.

For the purpose of this guidance and policy we will refer to motorised vehicles as auto-rickshaws and the pedalled vehicles as cycle-rickshaws and where the policy relates to both, simply 'rickshaws'.

### 3.32 Predetermined Routes

Licensed rickshaws within the East Suffolk District must be restricted to predetermined routes, notified to the Licensing Team, having been pre-agreed with the relevant **Town Council**. No meter will be required but fares must be clearly displayed.

For Guidance:

Aldeburgh	Email: <a href="mailto:info@aldeburghtowncouncil.co.uk">info@aldeburghtowncouncil.co.uk</a>
Beccles	Email: <a href="mailto:townclerk@beccles.info">townclerk@beccles.info</a>
Bungay	Email: <a href="mailto:admin@bungaytowncouncil.gov.uk">admin@bungaytowncouncil.gov.uk</a>
Felixstowe	Email: <a href="mailto:townclerk@felixstowe.gov.uk">townclerk@felixstowe.gov.uk</a>
Framlingham	Email: <a href="mailto:townclerk@framlingham.com">townclerk@framlingham.com</a>
Halesworth	Email: <a href="mailto:clerk@halesworthtowncouncil.org.uk">clerk@halesworthtowncouncil.org.uk</a>
Kesgrave	Email: <a href="mailto:enquiry@kesgravetowncouncil.org.uk">enquiry@kesgravetowncouncil.org.uk</a>
Lowestoft	Email: <a href="mailto:admin@lowestofttowncouncil.gov.uk">admin@lowestofttowncouncil.gov.uk</a>
Saxmundham	Email: <a href="mailto:townclerk@saxmundham-tc.gov.uk">townclerk@saxmundham-tc.gov.uk</a>
Southwold	No applications for the use of Rickshaws will be considered within Southwold.
Woodbridge	Email: <a href="mailto:townclerk@woodbridge-suffolk.gov.uk">townclerk@woodbridge-suffolk.gov.uk</a> –applications will be considered for the use of pedal powered rickshaws only. Tuk-tuks will not be permitted.

### 3.33 General

Licensed rickshaws may not ply for hire on the ranks used by hackney carriage vehicles and licensed rickshaws must park on private land when not in use.

The safe number of passengers that can be carried in each vehicle must be assessed and determined by the Senior Vehicle Examiner and this number would be displayed on the licence plate issued by the Council.

The vehicle licence plate, issued by the Council, must be affixed to the outside of the rear of the vehicle; this plate will also display the expiry date of the licence.

Any licence/s will be revoked in the event of the Council being reasonably satisfied that a breach of any conditions applying to the Council’s licence or any act or byelaw relating to rickshaws has occurred.

### 3.34 Application Criteria

Any person applying to drive or ride a rickshaw for hire and reward within the East Suffolk District will be required to firstly obtain a Hackney Carriage Driving Licence in accordance with the application procedure outlined in 2.14 of this policy.

This application procedure entails fitness and suitability checks to include criminal record checks, the requirement to hold a DVLA driving licence, a medical certificate to the DVLA Group 2 standard and a right to work in the UK check.

An applicant who would like to restrict their application to cover operating a rickshaw only can obtain a Rickshaw Hackney Carriage Drivers Licence and would not be required to undertake the driving standards and geographical tests compulsory for Hackney Carriage applicants; but could ‘upgrade’ to a full Hackney Carriage Drivers Licence by undertaking these tests (and any other tests/requirements that might be introduced as part of the Hackney Carriage / Private Hire application criteria in the future) at a later stage.

### 3.35 Rickshaw Vehicle Conditions

The rickshaw to be used for hire and reward also requires a licence issued by the same Local Authority – Rickshaw Hackney Carriage Vehicle Licence. Any auto-rickshaw or tuk-tuk will require an MOT once it becomes 3 years old and thereafter.

The vehicle conditions for a rickshaw are attached as **Appendix L**.

## HORSE DRAWN VEHICLES

Any person applying to drive or ride a horse drawn carriage for hire and reward within the East Suffolk District will be required to firstly obtain a Hackney Carriage Driver Licence in accordance with the application procedure outlined in 2.14 of this policy.

This application procedure entails fitness and suitability checks to include criminal record checks, the requirement to hold a DVLA driving licence, a medical certificate to the DVLA Group 2 standard, and a right to work in the UK check.

An applicant who would like to restrict their application to cover operating a horse drawn carriage only can obtain a Horse Drawn Hackney Carriage Drivers Licence and would not be required to undertake the driving standards and geographical tests compulsory for Hackney Carriage applicants; but could 'upgrade' to a full Hackney Carriage Drivers Licence by undertaking these tests (and any other tests/requirements that might be introduced as part of the Hackney Carriage / Private Hire application criteria in the future) at a later stage.

### 3.36 Horse Drawn Vehicle (Carriage) Conditions

The horse drawn carriage to be used for hire and reward also requires a licence issued by the same Local Authority – Horse Drawn Hackney Carriage Vehicle Licence.

The vehicle conditions for a horse drawn carriage are attached as **Appendix M**.

## 4. OPERATORS

Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

### 4.1 Licences

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 no person shall, in a controlled district, operate any vehicle as a private hire vehicle without having a current Private Hire Operator's licence. The operator, driver and vehicle licences must all be issued by the same Local Authority.

Private Hire Operator licences will be issued for 5 years.

This policy is published following a review of the Council's previous policies, guidance and conditions. There is now one policy document. Where there are any changes to the previous policies, guidance and conditions, a review of all existing licences will be carried. If a licensed Private Hire Operator is found not to meet the new licensing standard, the future of the licence will be determined by the Licensing sub-committee. This also applies to any future changes to this policy and licensing requirements.

## Renewals

Approximately 6 weeks prior to the expiry of the licence the operator will receive a reminder to renew it. It is the operator's responsibility to ensure his/her licences are kept up to date and **not having received a reminder will not be accepted as a reason for non-renewal of licences**. Renewal will involve completion of an application form, payment of the correct fee, and completion, at the applicants own cost, a half day course which will be based upon safeguarding, disability awareness and exploitation. The half day course is available at East Coast College, Lowestoft, West Suffolk College, Bury St Edmunds and the Education Centre (West Suffolk College) at 11 Fore Street, Ipswich IP4 1JW.

[www.eastcoast.ac.uk](http://www.eastcoast.ac.uk)   [www.wsc.ac.uk](http://www.wsc.ac.uk)

## Fees

The fees which are payable to the Council for licences are reviewed annually and any increases normally take effect from 1st April each year. The application form and correspondence you receive will set out the current fee payable.

## Change of Address

An operator is required to inform the Council, in writing and within 7 days of any change of home (for all partners and directors) or business address.

## 4.2 Safeguarding

Safeguarding training is required for a private hire operator who has not already undertaken the training as a licensed driver.

A new private hire operator (all persons named on the private hire operator licence) is required to undertake, at their own cost, the half day college-based course which will be based upon safeguarding, disability awareness and exploitation. Private hire operators should be just as much aware of these issues as a licensed driver.

Existing private hire operators (who are not licensed drivers) will be required to complete the half day course during the 3 months before the renewal of their licence. The licence will not be renewed if this training is not completed. [www.eastcoast.ac.uk](http://www.eastcoast.ac.uk)   [www.wsc.ac.uk](http://www.wsc.ac.uk)

Existing licensed private hire operators, who are not licensed drivers, who have had their licence issued or renewed during the 2 years prior to publication of this policy will be required to undertake this course within 6 months of the publication of this policy.

## 4.3 Fit and Proper Person

A Local Authority shall not grant a licence unless they are satisfied that the applicant(s) is a 'fit and proper person' to hold an operator's licence. A private hire operator's licence will be valid for five years.

In determining whether an applicant is 'fit and proper' to operate private hire vehicles and drivers, the Council shall have regard to (but not limited to) the following factors:

- Any previous convictions of relevance
- The applicant understanding of their responsibility as a private hire operator and their commitment to abide by the terms and conditions of the private hire operator's licence (by way of a knowledge test)
- Immigration status in order to determine the 'right to work in the UK'

If the applicant is a company or joint venture, a Basic DBS certificate will be required for each partner and/or director and the fit and proper person test will be applied to all partners. The DBS check for each person will be required annually and the operator licence will be suspended if this is not done.

If the operator is a driver, they will be checked every 6 months as part of their driver licence and annually thereafter for the duration of the operator's licence should they cease to be a driver.

In determining whether a person is fit and proper to hold a licence, the Council is effectively asking the following question:

**“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”**

The private hire vehicle operator must inform the Licensing Authority each time there are any changes to partners or directors.

Only when the Council is satisfied on all these points will it consider granting/renewing a private hire operator's licence. However, before granting the licence the Council will have to be satisfied that the premises from which the applicant intends to operate is suitable. When the Council is satisfied with the fitness of the applicant and the suitability of the applicant's premises then a private hire operator licence can be granted/renewed subject to standard terms and conditions plus any other special conditions which the Council deems necessary. These conditions can be found in **Appendix N**.

#### **4.4 Certificates of Good Conduct**

Applicants, including all directors and partners, who have lived out of the UK for any period of time within the five years prior to their application or renewal must obtain a certificate of good conduct from the relevant embassy or consulate covering that period.

The certificate of good conduct must be authenticated, translated and sealed by the relevant embassy or consulate.

Any costs associated with obtaining a certificate of good conduct are the responsibility of the applicant.

#### **4.5 Convictions, Cautions and Driving Offences**

Where convictions and cautions have been declared by the applicant or disclosed on the DBS Certificate the Council must ensure that it is satisfied that the applicant is a fit and proper person to hold a licence. The Council will refer to the Criminal Records Policy for guidance which can be found in **Appendix C**.

#### **4.6 Right to Work in the UK**

All applicants must provide evidence of their right to work in the UK. This is required for the first application and all renewals. No licence will be granted or accepted, until the applicant is able to prove they have a 'right to a licence' in the UK.

Right to work in the UK will be checked as part of the licence application, this could include the Licensing Authority checking the applicant's immigration status with the Home Office. The Licensing Authority may also share information with the Home Office. Applicants must either share their immigration status using the Home Office online checking service 'prove your right to work to an employer' if their status is

compatible with the service, or provide a document or document combination that is stipulated as being suitable for this check.

Where an online check has been carried out, the 'profile' page confirming your right to work will be copied and retained by the licensing authority. Where a manual check is carried out, and you have provided a document(s) set out at [Employers' right to work checklist \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/employers-right-to-work-checklist-accessible-version.pdf) you must provide the original document(s). The document(s) will be copied, and the copy retained by the Licensing Authority. The original document will be returned to you.

An application will not be considered valid until all the necessary information and any original document(s) have been produced and the relevant fee has been paid. If there are restrictions on the length of time an individual may work in the UK, a licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time the individual applies to renew or extend their licence. If, during this period, the individual is disqualified from holding a licence because they have not complied with the UK's immigration laws, their licence will lapse and they must return it to the licensing authority.

If there is any doubt about an individual's right to work in the UK, the Council's licensing staff may carry out checks with the Home Office.

If the Council has any concerns that an applicant has been working in the UK illegally then this information will be reported to the Home Office and relevant Border authorities.

Where an existing licence holder is served an immigration penalty or convicted of an immigration offence, the licence will be revoked.

#### **4.7 Booking and Dispatch Staff**

Private hire operators are required to keep a register of all staff that will take bookings or dispatch vehicles.

In doing so operators must evidence to the authority that they have had sight of a basic DBS check on all individuals added to the staff register. They should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records.

A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) must be retained for the duration that the individual remains on the register.

Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

An operator cannot pass on the obligation placed on them to protect children and vulnerable adults.

Operators or applicants for a licence must also provide their policy on employing ex-offenders in roles that would be on the staff register as above. As with the threshold to obtaining a private hire vehicle

operators licence, those with a conviction for offences, other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

#### 4.8 Hackney Carriage, Private Hire Vehicle and Drivers' Licences

It is vital that private hire operators should have a thorough understanding of the requirements which apply to vehicle proprietors and drivers.

A private hire operator may employ licensed hackney carriages, private hire vehicles or special event private hire vehicles (such as stretched limousines) to carry out journeys and must ensure that the driver of the vehicle is licensed to drive the type of vehicle used.

The difference between each class of vehicle is set out in **Appendix A**. Operators wishing to use special event private hire vehicles must ensure that:

- a) Only licensed hackney carriage and private hire vehicles drivers authorised by their DVLA licence to drive class 'C1' vehicles (vehicles between 3500kg and 7500kg) are employed to drive the vehicle.
- b) Bookings are made at least 24 hours in advance of the commencement of the journey.
- c) Written confirmation is given to the hirer stating the name and address of the hirer, details of the journey, date of booking, charge and a statement as to the maximum number of passengers that may be carried in the vehicle.
- d) A copy of the written confirmation must also be provided to the driver and be carried in the vehicle throughout the hire period.

All three licences:

Private hire operator's licence

Private hire driver's licence

Private hire vehicle licence

must be issued by the same Council.

#### 4.9 Bookings

Under the legislation, every contract for the hire of a licensed vehicle is deemed to be made with the operator who accepted the booking for that vehicle, irrespective of whether or not the vehicle was provided by that person.

A private hire operator may sub-contract work to other operators, including those in other districts, if it is unable to fulfil a booking with its own licensed drivers. However, that booking is deemed to be made with the first operator and accurate records of the booking must be kept by them.

In addition, it is possible for a licensee to be convicted of an offence, even when it was due to the act or default of another. This places an onerous responsibility on private hire vehicle operators who may have to trust others to carry out bookings on their behalf.

Operators must have arrangements in place to satisfy themselves that:



- a) Only licensed vehicles which are properly insured, taxed and tested are employed to carry out bookings on their behalf.
- b) Only licensed drivers with the appropriate DVLA Licence are employed to drive those vehicles and they, together with radio operators, have a thorough understanding as to what is expected of them in all situations.

Regardless of which operator fulfils a booking, the operator can only dispatch a vehicle licensed by the same council that licenses the operator and driven by a driver licensed by that same Council.

Lateness is sometimes unavoidable, when traffic is heavy, when road conditions are poor because of inclement weather or because of vehicle breakdown (although vehicles should be maintained to a high standard to ensure that this rarely happens).

Lateness can also be caused because earlier passengers keep drivers waiting, causing knock-on delays for subsequent passengers. Operators should consider what action they are going to take to minimise this problem.

Drivers can only arrive promptly if sufficient travelling time is allowed between one journey and the next – operators must ensure that they can cope with the number of bookings they accept.

If a booking is accepted in the vehicle, by the operator, it should be capable of automatically being entered onto a digital booking system or must be entered into such a record immediately upon return to the office. This only applies if the driver is also the operator.

The conditions attached to private hire operator licences require records to be kept in respect of the vehicles and drivers. Operator conditions are at **Appendix N**.

#### **4.10 Record Keeping**

A private hire vehicle operator is responsible for ensuring that the vehicle and driver, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place and for ensuring that the driver completes the journey agreed by the operator with the hirer. Often, the accuracy of the booking records which must be kept by a private hire operator is vital in determining whether or not the operator was at fault and liable to be prosecuted for an offence. It is therefore essential that a high standard of record keeping is maintained.

The Council must be satisfied that the form in which records are to be kept, whether written or computerised, provides adequate safeguards that prevent entries being erased or inserted at a later date than the actual date and time that which the booking was made.

The Operator shall permit an Authorised Officer of the Council access to records required by their licence, at all reasonable times. Spot checks will be carried out to ensure that documentation and records relating to journeys, the vehicles and drivers being employed to carry them out are being properly kept.

Records of journeys must be retained by the operator for not less than six months from the last date of entry and may be removed by licensing staff at any reasonable time.

Where special event private hire vehicles are operated, a hire agreement must be made not less than 24 hours prior to the commencement of the journey. Copies of the agreement must be provided to the passenger and the driver, and a further copy kept on record.

The Operator must advise the Council within seven days of any other change in the business arrangements. This includes communication equipment, record formats and the vehicles and drivers used to carry out booked journeys.

#### **4.11 Complaints**

A Private Hire Operator must tell the Council, within 7 days of any complaint made about a booking (whether made orally or in writing) which they responsible for. The Operator must also tell the Council what action will be taken to deal with the complaint.

It follows that the operator will have to investigate the complaint in order to decide whether or not it is justified. It is advisable for the operator to obtain the full facts from the customer and to interview the driver and, if appropriate, the booking/dispatch staff. A complainant may be entitled to compensation. If this is not offered, the customer could decide to sue the operator for failure to execute the contract. Alternatively, they may contact the Council asking for appropriate action to be taken.

An operator may decide to discipline the driver and/or booking/dispatch staff, but the Council will consider what action to take in respect of any licensees when it has reviewed the facts of the case.

Occasionally, complaints may be made of which the Police should be made aware. Operators should be able to advise the complainant accordingly and should consider whether or not to report the matter to the Police direct.

Bearing the above in mind, operators should ensure that they have a procedure for dealing with complaints.

#### **4.12 Data Protection**

Private Hire Operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive guidance on registering as a data controller and how to meet legal obligations.

#### **4.13 Insurance**

Before an application for a Private Hire Operator's licence is granted, the applicant shall produce evidence that they have taken out Public Liability insurance for premises that are open to the public.

#### **4.14 Planning Permission**

The operator is responsible for ensuring that appropriate planning consent exists for the use of the operational address to be used for that purpose. The grant of a Private Hire Operator's licence will not imply that planning consent has been given.

#### 4.15 Use of Passenger Carrying Vehicle (PCV) by PCV Drivers

Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV (Public Service Vehicle) is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

PCV licensed drivers are subject to different checks from hackney carriage and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect, when making a booking with a private hire vehicle operator, that they will receive a private hire vehicle licensed vehicle and driver.

The hirer **must** be informed if a PCV licensed driver is going to be used and the hirer's consent must be received and recorded. This will form part of the Private Hire Operator conditions found at **Appendix N**.

#### 4.16 Application Procedure

The application procedure is intended to determine whether an applicant for a private hire operator's licence is a fit and proper person to hold the licence. Applicants will be required to undergo a basic disclosure and barring service check with the Disclosure & Barring Service (unless they have had an enhanced check as a licensed driver).

Applicants, both new and renewal, will be required to undertake training on safeguarding children and vulnerable adults. This will consist of a half day course at East Coast College, Lowestoft and must be paid for by the applicant. If the applicant is an existing licensed driver they will be required to undertake the course and there will be no requirement to undertake the half day course again for the private hire operator licence.

Existing licensed private hire operators, who are not licensed drivers, who have had their licence issued or renewed during the 2 years prior to publication of this policy will be required to undertake this course within 6 months of the publication of this policy.

A new applicant will be asked to make an appointment to sit a knowledge test at the Council Offices. This will demonstrate whether the applicant has adequate knowledge of the legislation and licensing requirements.

Applicants must complete an application form stating essential information about the business and the people who will be running it. In addition to the payment of the appropriate fee, they will be required to produce a customer care statement providing details of what customers can expect.

### 5.ENFORCEMENT, CRIMINAL RECORDS POLICY AND PENALTY POINTS SCHEME

#### 5.1 Introduction

The purpose of this section of the Policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a hackney carriage /private hire driver or private hire operator's licence.

Whilst criminal convictions play a significant part in the Council's determination as to whether an individual is 'fit and proper', the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities and other information from other bodies such as the Police. This Policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of licence.

The overriding aim of the Council in carrying out its licensing function is to protect the safety of the public. The Council is concerned to ensure:

- That an applicant is a fit and proper person, which would include the following;
- That the person does not pose a threat to the public
- That the public are safeguarded from a dishonest person
- The safeguarding of children and young persons and the vulnerable

Each case will be considered on its individual merits and, in exceptional circumstances the Council may depart from the guidelines.

The sanctions that are available to be applied are to suspend, revoke, and in the case of a grant or a renewal application, refuse to renew the licence. In addition, where a licensed drivers accumulates 9 or more points on their DVLA driving licence, or where complaints about the standard of driving are received the Council may require the driver to undertake a practical driving test as an alternative to attending a Licensing- Sub- Committee hearing at which their fitness to continue to hold a licence would be considered.

The Council has adopted an overarching enforcement policy to ensure that enforcement is efficient, targeted, proportionate and transparent. The enforcement policy is available on the Council's website. Any enforcement action taken will be in accordance with the Council's enforcement policy.

Sections 60 - 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a licence.

Complaints from the public and/or any routine enforcement that identify significant breaches of conduct will be subject to investigation by officers.

## **5.2 Information Sharing**

The Council will share information with other agencies in respect of potential illegal activities and other agencies and authorities may perform checks or take enforcement action within the East Suffolk area.

## **5.3 Criminal Records**

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to be satisfied that an applicant for the grant or renewal of a hackney carriage, hackney carriage proprietor, private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will consider these very carefully.

Driver licence holders must declare any convictions, (including spent convictions, and motoring convictions).

All licence holders are required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

Where any applicant or licence holder who has been arrested or charged, but not convicted for an offence that suggests they could be a danger to the public, the Council will still consider that as part of the applicants / licence holders history. In assessing the action to take, the safety of the public must be the paramount concern.

Any person driving the public will be expected to have the highest standard of driving skills. The Council will take into account all convictions for driving offences and any information or evidence that driving skills fall below these high standards.

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

Where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a fit and proper person.

The Council's Criminal Records Policy can be found at **Appendix C**.

#### **5.4 Criminality Checks for Vehicle Proprietors and Private Hire Operators**

A basic disclosure from the DBS for vehicle proprietors who are not licensed drivers, and Private hire operators who are not licensed drivers will be required annually.

#### **5.5 Penalty Points Scheme**

The purpose of the penalty points scheme is to give licensees clear guidance about the consequence of non-compliance with the Council's licensing requirements.

Where appropriate, the Council's Licensing staff have discretion to give a verbal warning for a first offence in any category, but subsequent offences will be subject to penalty points in accordance with this scheme. In circumstances where the imposition of penalty points may not be appropriate, a licensee may be required to appear at a Licensing sub-committee hearing.

Where a licensee incurs 12 or more penalty points in any three year period, the licensee will appear before a Licensing Sub-Committee for members to determine the appropriate action to be taken as a consequence of the incidents of non-compliance.

All authorised licensing officers are authorised to operate the scheme and issue points accordingly.

The penalty points scheme can be found at **Appendix G**.

## 5.6 Offences

Failure to comply with the licensing requirements will result in appropriate enforcement action being taken. This will depend on the nature of the offence and may take the form of:

- i) A verbal, informal or formal warning
- ii) Appearance before the Licensing Sub-Committee. This could result in suspension, revocation or refusal to renew the licence
- iii) Formal Caution - this means that you have admitted the offence. It will remain on your record and may be taken into account if you are prosecuted in future
- iv) Prosecution

## 5.7 Rights of Appeal

Information on any right of appeal will be issued when a decision is made on any enforcement action, where that right of appeal exists.

In general terms, where an applicant is aggrieved by the Council's Licensing Sub Committee decision to suspend or revoke a Licence or attach conditions to a Licence or to refuse to grant or renew a Licence, the applicant has a right of appeal to the local Magistrates' Court. Any appeal must be lodged at the Court within twenty-one days of the applicant receiving written notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

## 5.8 Complaints

Any member of the public or passenger is able to make a complaint directly to the Council's Licensing Team via the Council's website under the taxi and private hire licensing pages. Stickers stating how to make a complaint to the Council will be provided by the Council which must be displayed in all licensed hackney carriage and private hire vehicles.

**THE DIFFERENCE BETWEEN HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES  
AND SPECIAL EVENT PRIVATE HIRE VEHICLES**

**1 Hackney Carriages:**

- 1.1 In order to protect a passenger hailing a hackney carriage in the street from overcharging, the Council sets a maximum scale of fares which may be charged and this, together with the meter, must be clearly visible to the passenger. (In the event that a proprietor chooses to use the taxi meter to discount the approved fare a notice **must** be displayed to inform passengers).
- 1.2 A hackney carriage must be equipped with a meter calibrated in accordance with the maximum scale of fares. The meter must be tested and sealed by the Council.
- 1.3 The scale of fares set by the Council may be discounted but must not be exceeded, even if a journey ends outside the district (unless a charge was agreed before the journey commenced). If a hackney carriage carries out a private hire or pre-booked journey the fare must be calculated from the point where the passenger commences the journey.
- 1.4 Once a vehicle has been licensed as a hackney carriage, it is always available for hire, unless it is already carrying a fare paying passenger. This means that a licensed hackney carriage can only be driven by a licensed hackney carriage driver. Hackney carriage proprietors and drivers must comply with Byelaws in addition to the other rules laid down by the Council. Hackney carriage licensees should read them carefully.

They cover the following matters:

- a) The display of identification plates on the inside and outside of the vehicle.
- b) Various requirements relating to the vehicle.
- c) The operation of the taxi meter - the meter may only be switched on immediately before the journey commences.
- d) The procedure when plying for hire - once a journey has been completed drivers are required to proceed immediately to the next available taxi rank - drivers cannot 'cruise round the block' or wait nearby until a space on the best rank becomes free - they must go to another rank and park there instead. A hackney carriage can also park on the Council's car parks (providing the pay and display fee is paid) but cannot stand or ply for hire in a car park. A hackney carriage should be parked off the highway when not in use. All these parking and use requirements cannot be overcome by removing or covering the identification plates and 'TAXI' sign.
- e) The behaviour of the driver - matters which are also covered in the conditions attached to hackney carriage and private hire vehicle driver's licences.
- f) The procedure to be followed if a passenger leaves property in the vehicle.

There are special procedures which the Council must follow when reviewing the scale of fares and the designation of ranks. The latter takes many months to complete.

- 1.5 A driver licensed by East Suffolk Council to drive a hackney carriage, does not need a private hire driver's licence in order to work a private hire vehicle that is also licensed by the Council. However, a licensed driver who wishes to drive a special event private hire vehicle, must have a DVLA licence which permits the driving of class 'C1'.

## 2. Private Hire Vehicles

- 2.1 A private hire vehicle can only be used to carry fare paying passengers if the **passenger** has booked the journey in advance **directly** with a licensed private hire vehicle operator. The operator is then responsible for ensuring that the passenger is carried by a licensed hackney carriage or private hire vehicle and driver in accordance with the agreement made with the passenger when the booking was made.
- 2.2 A private hire vehicle cannot legally radio a booking for a journey through to the operator. This applies whether the passenger approaches the driver before the journey commences or asks for a return trip, either whilst the outward journey is in progress or at the end of it. In order to avoid difficulties in this respect, private hire operators are advised to consider whether their radio controllers should routinely enquire whether or not a return journey is required at the time the outward trip is booked.
- 2.3 If a private hire vehicle driver does handle a booking from a passenger, one or more of the following offences may occur:
- Using a vehicle as a hackney carriage without a licence
  - Improperly plying for hire
  - Acting as an unlicensed private hire vehicle operator

Each of these offences is liable on summary conviction to a fine not exceeding level 3 on the standard scale, currently £1000.

- 2.4 In order to avoid allegations of plying for hire, private hire vehicle drivers should ensure that:
- they receive details of all the journeys which they carry out from their private hire operator, either directly or via the radio controller and **not** from the passenger.
  - they do not radio bookings through to their operator on behalf of passengers, either before the journey commences or for a return trip during the journey or at the end of it.
- 2.5 Private hire vehicle drivers should be aware that, in the event of an accident, problems could arise over insurance cover if a journey is not properly booked through a private hire operator. This is because a private hire vehicle is only insured for private hire work whereas a hackney carriage is insured for public hire.
- 2.6 It is an offence for a private hire vehicle to be driven by a person who is not licensed as a private hire vehicle driver, even when the vehicle is not being used for private hire.
- 2.7 A private hire vehicle operator is responsible for ensuring that the passenger is carried in accordance with the agreement made with the passenger at the time of the booking. It is important that the driver of the vehicle is fully aware of the details - time, place of pick-up, destination, charge etc.

## 3. Special Event Private Hire Vehicles

- 3.1 Special event private hire vehicles are vehicles that have been modified or converted after manufacture, the most common form of modified vehicle is a stretched limousine.
- 3.2 A modified vehicle may have seats for more than 8 passengers. If this is the case, the driver of the



vehicle will commit an offence if he/she permits more than 8 people to be carried in the vehicle.

3.3 The Council will not normally require the display of an external vehicle identification plate on a modified private hire vehicle. The internal vehicle identification plate must be displayed in a position where it is visible to passengers (not necessarily on the dashboard of the vehicle).

3.4 Only licensed private hire vehicle drivers that hold a DVLA licence permitting them to drive class 'C1' vehicles (vehicles between 3500kg and 7500kg) may drive modified private hire vehicles.

All drivers passing their driving test prior to 1997 received 'grandfather rights' to drive this class of vehicle, but those licensed subsequently will have to pass a test in a vehicle typical of the class, such as a minibus.

3.5 A private hire operator may only accept a booking for the hire of modified vehicle if it is made at least 24 hours in advance of the commencement of the journey. The operator must provide the hirer with written confirmation of the booking. This must state the name and address of the hirer, details of the journey, the hire charge and a statement as to the maximum number of passengers that may be carried in vehicle.

3.6 A copy of the written confirmation must be provided to the driver of the vehicle and be carried in the vehicle throughout the hire period.

**STATEMENT OF MEDICAL STANDARDS  
FOR HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS.**

Licensees must be medically examined by a qualified UK registered Medical Practitioner who has access to the applicant's full medical records. The cost of the medical examination must be paid for by the applicant, or licensed driver.

The medical fitness standard adopted by the Council for licence holders reflects the fitness standard for the Group 2 DVLA drivers (Group 2 licence holders are permitted to drive large goods vehicles, buses and coaches). The reason for this is that, because professional drivers spend substantially longer at the wheel than private motorists, the risk of sudden illness occurring whilst driving is greater. In particular, the requirements relating to epilepsy, eyesight and diabetes are more stringent.

A medical remains valid until the age of 45. On the 45<sup>th</sup> birthday of the driver a new medical certificate will be required, regardless of how long it has been since the original application. A new certificate will then be required at the age of 50 years, 55 years, 60 years and 65 years. After 65 years of age, annual medical certificates are required.

Licensed drivers must notify the Council **in writing within seven days** of any change in their medical circumstances including experiencing any of the following:

- Epilepsy, fits or blackouts
- Repeated attacks of sudden disabling giddiness. Fainting.
- Diabetes controlled by insulin. Diabetes controlled by tablets
- An implanted cardiac pacemaker
- An implanted cardiac defibrillator (ICD)
- Angina (heart pain) which is easily brought on by driving.
- Persistent alcohol misuse or dependency
- Persistent drug misuse or dependency
- Parkinson's disease
- Narcolepsy or sleep apnoea syndrome
- Stroke, with any symptoms lasting longer than one month, recurrent 'mini-strokes' or TIAs (Transient Ischemic Attacks).
- Any type of brain surgery, severe head injury involving inpatient treatment, or brain tumour.
- Any other chronic neurological condition
- A serious problem with memory or episodes of confusion
- Severe learning disability
- Serious psychiatric illness or mental ill-health
- Total loss of sight in one eye.
- Any condition affecting either one eye or both eyes (not including short or long sight or colour blindness).
- Any condition affecting your visual field (the surrounding area you can see when looking directly ahead).
- Any persistent limb problem for which driving has to be restricted to certain types of vehicle or those with adapted controls.

If you are not sure whether any of these apply to you speak with your GP.

**Failure to notify the Council of any change in your medical health could attract penalty points and/or result in an appearance before the Licensing Sub- Committee.**

**CRIMINAL RECORDS POLICY****Introduction**

The purpose of this policy is to set out the Council's approach to convictions and cautions when determining whether or not an applicant, or an existing licence holder, is a fit and proper person to hold a driver, vehicle or operator licence. The Council will consider each case on its merits and will take account of convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences) whether spent or unspent.

Where the licensing officer cannot be satisfied that either the applicant or an existing licence holder is a 'fit and proper person' the matter may be referred to a Licensing sub-committee.

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 and vulnerable adult

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application or licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

When submitting an application for a licence to drive a hackney carriage or private hire vehicle, or to become a private hire operator; or throughout the duration of an existing licence, applicants/existing licensees are required to declare all previous convictions they may have, including spent convictions.

The information given will be treated in confidence and will only be taken into account in relation to the relevant application, or the status of an existing licence, to assist the Council in determining whether the applicant is a fit and proper person to hold/continue to hold a driver's licence for the purposes of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

Applicants and existing licensees should be aware that the Council is empowered by law to check with the police for the existence and content of any criminal record held in their name. Information received from the police will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary.

The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an individual from obtaining/retaining a driver's licence and each case will be determined on its own merits. Whether or not an applicant will be granted a licence, or the existing licensee retain a

licence, will depend upon whether or not the Council can be satisfied that the individual is a fit and proper person to hold such a licence.

The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence of good character and record is not adduced or if there is good reason to question or doubt the evidence provided then that could amount to good reason to refuse a licence.

The conviction of an existing licensee may lead to the revocation of their licence if they are no longer considered to be a fit and proper person to hold such a licence. Where this policy states that new applicants should be free of recent convictions of a certain kind, this indicates that the licence of an existing driver would generally be revoked if he were convicted of an offence of the same kind. However, in assessing the risk that an existing driver poses to the travelling public, the Council will consider all relevant factors, including the length of time that he has held his licence and his conduct as a licensed driver.

In considering evidence of an individual's good character and fitness to hold a licence, where previous convictions or other information relating to criminal matters is disclosed the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant. Where an individual has been convicted of a criminal offence the Council cannot review the merits of the conviction (*Nottingham City Council v. Mohammed Farooq (1998)*).

This policy has taken account of the Institute of Licensing's "Guidance on determining the suitability of applicants and licensees in the hackney and Private Hire trades" (2018) and DfT Statutory Standards and these will be taken into consideration when making decisions.

The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

Applicants and licence holders should note that offences are not considered less serious just because they were committed when they were not driving a taxi or working in their capacity as a licensed driver or operator.

A serious view will be taken where applicants or licence holders are found to have intentionally misled the Council, lied, or withheld information during the application process, particularly in relation to convictions and similar matters. In these circumstances, they may be referred to the licensing sub-committee for consideration as to whether they are a fit and proper person to hold a licence. Applications will normally be refused where an applicant has sought to conceal information during the application process.

Existing licence holders should be aware that if the Council receives notification from the Police that they are being investigated for an offence that would preclude the grant of a licence, their licence will be reviewed which may lead to revocation of the licence. If no charges are laid against the licence holder, the licence will ordinarily be reinstated for its original duration. In the event that the licence holder is found not guilty, the licence will ordinarily be reinstated for its original duration, save for any previous or ongoing concerns relating to the licence holder's ability to meet the 'fit and proper' test.

### **Court Decision**

If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the Council that they did not commit the offence. If they seek to do so, their representation will not be considered, as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.

### **Multiple Licences**

Some individuals may hold (or apply for) a combination of driver, vehicle and / or Private Hire operator licences. In these circumstances, their suitability to hold each type of licence should be considered separately. For example, the refusal to licence an individual as a driver or to suspend or revoke a drivers licence does not automatically mean that they cannot be granted or continue to hold a vehicle or Private Hire operator licence.

### **Vehicle Proprietors**

Whilst vehicle proprietors may have no direct contact with passengers, they are entrusted with ensuring suitability of vehicles and that they are driven by licensed drivers. This policy is therefore still applicable.

### **Consideration of Convictions and Other Information**

In all but the most serious cases, the disclosure of cautions, convictions or other information will not permanently debar individuals from gaining a licence. The Council will however require applicants with a criminal record to remain free of conviction for an appropriate period and show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

In the sections that follow, guidance is given following the disclosure of various convictions, in terms of if and when a person with such convictions may be eligible for a licence. Compliance with the guidelines does not guarantee that a licence will be granted, particularly when there are aggravating factors, such as multiple offences.

In making its decision the Council will consider, amongst other matters, the nature/class of any offence, how long ago it occurred and the applicants' age at that time, the apparent seriousness as gauged by the penalty imposed, and any other factors which the Council may consider to be relevant.

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

As well as convictions, this policy will consider other issues or intelligence received from other agencies which may be relevant to the "fit and proper" person test.

When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:

- grant the licence or take no further action
- grant the licence with additional conditions
- refuse, revoke, or suspend the licence
- issue a warning which may include the use of enforcement penalty points

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.

Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the Council will take that conviction into account and use this policy as an indication of the approach that should be taken.

### **Appeals**

Any individual refused a driver's licence on the grounds that the Council is not satisfied he is a fit and proper person to hold such a licence has a right of appeal to the magistrates' court within 21 days of the notice of refusal.

### **General**

1. Each case will be decided on its own merits.
2. Applicants must have held a full UK driving licence for at least 12 months and this will be calculated from the date of issue of a full licence.
3. All new applicants will be required to sign up to the Disclosure and Baring Update Service to authorise the disclosure on any convictions. If an applicant is not already signed up to this service (through other employment of a similar nature within the same workforce – see Disclosure and Baring Service website for guidance) they will be required to do so once they have received their initial DBS certificate. The cost for this must be paid by the applicant.

All existing licensed drivers will be required to subscribe to the DBS Update Service upon renewal of their licence.

4. The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
5. A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for a suitable period of time, according to the circumstances, before an application is entertained.

It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. A caution, fixed penalty, and community resolution will also be considered.

6. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account. The overriding consideration should always be the protection of the public.

## **Summary**

A criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. In most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years, according to circumstances, before an application can be considered.

If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public and caution will be exercised.

While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offence history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

## **CONVICTIONS AND OFFENCES**

### **Dishonesty**

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

Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handing and receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or [property by deception
- Other deception
- Taking a vehicle without consent
- Any similar offences (including attempted or conspiracy to commit)

Or offences which replace the above

### **Drugs**

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

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

### **Drink driving/driving under the influence of drugs**

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### **Sexual and indecency offences**

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

### **Offences involving violence against the person**

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

An application will be refused if the applicant has a conviction for an offence that involved the loss of life. A licence will not be granted for an offence such as:

Murder

Manslaughter

Manslaughter or culpable homicide while driving

Terrorism offences

Or any similar offence (including attempted or conspiracy to commit)

Offences which replace the above.

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:

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

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Or any similar offences (including attempted or conspiracy to commit)



A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 7 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Possession of offensive weapon
- Criminal damage
- Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 

A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature in the last 10 years.

### **Crimes resulting in death**

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

### **Exploitation**

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

### **Possession of a weapon**

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

### **Discrimination**

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

### **Using a hand-held device whilst driving**

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

### **Hackney Carriage and Private Hire licensing offences**

Offences under hackney carriage and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

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

### **Vehicle use offences**

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

### **Vehicle proprietors and Private Hire Operators**

A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times and secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

Where an applicant/licence holder for either a vehicle licence or private hire operator licence has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to be granted or retain a licence.

### **Immigration**

Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. Guidance for licensing authorities to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

### **Insurance offences**

A serious view will be taken of convictions for driving, being in charge of a vehicle without insurance, or allowing person to drive whilst uninsured. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.

An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator’s Licence reviewed with a view to revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.

Where a specific offence is not mentioned, a suitable period of time will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

## **Traffic offences**

### **Driving offences involving the loss of life**

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.

A licence will not be granted if an applicant has a conviction for:

Causing death by dangerous driving

Causing death by careless driving whilst under the influence of drink or drugs

Causing death by careless driving

Causing death by driving: unlicensed, disqualified or uninsured.

Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above.

### **Other traffic offences**

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence or may not result in action against an existing licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

### **Major traffic offences**

Where an applicant has isolated conviction, without disqualification, for an offence such as dangerous driving and driving without due care and attention a period of 3 years free from conviction will be required before an application will be considered. Applications where there is more than one conviction for this type of offence within the last 5 years will normally be refused

### **Minor traffic offences**

More than one conviction/caution for a minor traffic offence, including a driver awareness course, within the last 2 years will normally merit refusal of a new application and a further application should not normally be considered until a period of at least 3 years, free from convictions/cautions/endorsements, has elapsed.

Where an existing licensed driver receives 9 points or above on their DVLA licence, they will be expected to undertake a driving standards assessment with the Council's approved assessor. The cost of the assessment must be borne by the licensed driver.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and appropriate enforcement action will be taken.

### **Disqualification and Totting Up**

TT99 Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

There may be occasions where an applicant has accrued sufficient points under totting up for the Court to consider disqualification, but successfully argues that exceptional hardship/circumstances should apply.

Where the court does not disqualify a driver (because of exceptional circumstances) an applicant will be expected to show a period of 2 years free from conviction from the date the court made its findings of exceptional circumstances justifying the non-disqualification.

Where disqualification does occur for 'totting up' the Council is likely to refuse a hackney carriage or private hire driver's licence application and an application will not be considered until the DVLA driving licence has been restored for a period of 2 years and no further motoring conviction has been endorsed on it in that period.

### **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

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

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

IN 10 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

**Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. LC20 becomes LC22)

**Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. LC20 becomes LC24)

**Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. DD40 becomes DD46)

**Minor traffic offences**

MS10 Leaving a vehicle in a dangerous position

MS20 Unlawful pillion riding

MS30 Play street Offences

MS40 Driving with uncorrected defective eyesight or refusing to submit to a test

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

**Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

**Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

**Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. PC16 becomes PC16)

**Hybrid traffic offences**

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 Breach of requirements as to control of the vehicle, mobile telephones etc.

SP10 Exceeding goods vehicle speed limit

SP20 Exceeding speed limit for type of 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

SP60 Undefined speed limit offence

**Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

**Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

**These lists are not exhaustive and codes may be changed or added during the duration of this policy. If an applicant or current licence holder has been disqualified or given points that are not listed here, they will still be taken into account.**

**CONDITIONS TO BE ATTACHED TO  
HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVERS' LICENCES**

**1. CONDUCT OF DRIVERS.**

- a) Drivers shall adopt a presentable, clean and tidy appearance at all times by wearing:
- i. a collared shirt. If a tie is not worn the top button of the garment may be unfastened. A polo shirt which is plain in colour and carries a small logo may be worn. T-shirts are not acceptable;
  - ii. tailored trousers (tailored shorts may be worn during the period May-September inclusive). Smart jeans may be worn;
  - iii. a jumper and/or jacket if appropriate;
  - iv. appropriate driving shoes (sandals with no heel strap, flip flops and carpet slippers are not acceptable)

**Note:** Drivers may wear an appropriate dress/skirt and top in lieu of items i) and ii). High heeled shoes (over 1½"/3.5 cm) are not acceptable.

- b) Drivers shall behave in a civil and orderly manner at all times, to passengers, to other road users and to members of the public. In particular, without the consent of the hirer, a driver will not:
- i. eat or drink in the vehicle;
  - ii. play any radio or other sound producing equipment, other than for the purpose of sending and receiving messages in connection with the operation of the vehicle. Any such equipment will be operated at a volume which does not cause nuisance or annoyance to any person, whether inside or outside the vehicle.

- c) Drivers shall carry out a daily inspection of the vehicle to check:-

- i. Seat belts
- ii. Fluid levels
- iii. Tyres
- iv. Windscreen washers and wipers
- v. Lights
- vi. Fire Extinguisher

reporting any defects to the vehicle proprietor and arranging for them to be rectified before commencing work.

- d) Drivers shall notify the Council in writing and **within seven days** of:

- i. any change of address
- ii. any conviction or caution imposed during the period of the licence (**see e) below for more specific offences**).
- iii. any endorsement/speeding offence on DVLA licence. This includes receiving a Fixed Penalty Summons in the post following being caught on a fixed camera or camera van and receiving a Fixed Penalty Summons on the spot after being caught by a police officer with a camera.

**Note:** *it is a requirement to report a speeding offence even if a driving awareness course is offered to prevent points being awarded on a DVLA licence. Notifying the Council for our records within the required time will not result in penalty points being accrued on your local authority drivers licence; not notifying the Council will attract 5 penalty points.*

- e) Drivers shall notify the Council **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonestly or violence and any motoring offence.
- f) Drivers shall wear the identification badge issued by the Council at all times and carry the licence document when operating a licensed vehicle. On expiry of the licence the badge will be returned immediately to the Council.

## **2. CARRYING PASSENGERS.**

- a) The driver will arrive punctually at the appointed time and place to pick up a passenger, unless delayed or prevented by a sufficient cause;
- b) Except when picking up from commercial premises where such action is inappropriate, a driver will call personally at the appointed place to announce arrival. He/she will not sound the car horn for this purpose.
- c) A driver will provide reasonable assistance with loading and unloading of luggage and shopping and ensure that the passenger enters and leaves the vehicle safely.
- d) A driver will take all reasonable steps to ensure that passenger(s) are conveyed safely to their destination(s). Where a journey is being carried out by a private hire driver, the destination(s) shall be that/those agreed by the private hire operator when the journey was booked.
- e) A driver will only carry additional passengers with the consent of the hirer and the number of passengers must not exceed the number for which the vehicle is licensed.
- f) The driver will take the shortest route by distance unless the passenger specifically requests an alternative route.

## **3. E-CIGARETTES**

Drivers shall not use e-cigarettes to 'vape' in a vehicle licensed by East Suffolk Council at any time.

## **4. CARRYING ANIMALS.**

A driver must not refuse to carry a guide dog when requested to do so but has discretion to carry any other animal in the custody of or with the agreement of the hirer provided it is kept under control at all times. Animals must not be carried on the seats of the vehicle.

Note: The Equality Act 2010 requires drivers to carry guide, hearing and other assistance dogs accompanying disabled people unless the driver has obtained exemption on medical grounds.

## **5. CHARGING.**

- a) If the vehicle is fitted with a meter it must be used as follows, unless a mutually agreed price has been pre-arranged:
  - i. the meter must be switched on immediately prior to the commencement of the journey;
  - ii. the meter reading must be illuminated and must not be cancelled until the journey has been paid for, unless credit is to be given. The driver will not demand a fare greater than that displayed on the meter.
- b) If the vehicle is not fitted with a meter the driver will check the fare agreed between the hirer and the operator before the journey begins and will not demand a greater fare.
- c) A receipt will be provided on request.

## **6. ON COMPLETION OF THE JOURNEY.**

After every hiring the driver should search the vehicle for any property which may have been accidentally left therein. Any items of value, such as laptops, mobile phones, cameras and high value items, should be reported to the police. Suffolk Constabulary have an online reporting system for lost and found property. The items should then be taken to a police station.



Items of low value, such as clothing, books and umbrellas should be retained by the driver, if a hackney carriage driver, for a period of 28 days. If a private hire driver, the driver should give the item to their private hire operator to retain for a period of 28 days.

Every effort should be made to contact the passenger/hirer to arrange collection/return of the item. If the item is not collected/returned after 28 days it can be disposed of by the hackney carriage driver or private hire operator.

#### **7. MEDICAL STANDARDS**

Licensees shall renew medical certificates as laid down in the Council's Statement of Medical Standards. In addition, licensees shall notify the Council within seven days of any change in their medical circumstances as described in the Council's Statement of Medical Standards.

#### **8. ACCIDENTS**

In the event of an accident occurring, licensees shall comply with the requirements laid down in the Council's accident reporting procedure.

#### **9. GENERAL CONDITION**

- a) A licence obtained by any form of payment that is subsequently dishonoured will render the licence invalid. The licence document and driver's badge must be returned to the Council until an alternative form of acceptable payment is made.
- b) The licence document and driver's badge remain the property of the Council and it must be informed forthwith if lost or stolen.

#### **10. AMENDMENT TO CONDITIONS**

The Council may at its discretion, at any time add to, delete or amend any of these conditions. Amendments to the conditions will come into effect as soon as notification has been received by the licensed driver.

Notification will be taken to have been affected by the Council informing the Licensee at the address or email address given by the licensee.

On 1st April 2019 the Suffolk Coastal and Waveney districts are abolished as local government areas and the District Councils are wound up and dissolved. Byelaws in the name of Suffolk Coastal District Council or Waveney District Council are enforceable by East Suffolk Council.

### HACKNEY CARRIAGE BYELAWS – SUFFOLK COASTAL DISTRICT COUNCIL

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

#### Interpretation

1. Throughout these byelaws "the Council" means the Suffolk Coastal District Council and "the district" means the Suffolk Coastal District.

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

- 2 a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- b) A proprietor or driver of a hackney carriage shall:-
  - I. not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - II. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

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

3. The proprietor of a hackney carriage shall:-
  - a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - b) cause the roof or covering to be kept water-tight;
  - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - d) cause the seats to be properly cushioned or covered;
  - e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
  - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
  - i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
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, flag or other device, the operation of which will bring the machinery of the taximeter into action and cause the word "**HIRED**" to appear on the face of the taximeter;

- b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare [not exceeding]\* the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance and time in pursuance of the tariff fixed by the Council;
- d) the word "**FARE**" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

5. The driver of a hackney carriage provided with a taximeter shall:

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

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

7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-

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

8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and, when hired, wear that badge in such position and manner as to be plainly visible.
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; and
  - c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

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

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

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

15.
  - a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
  - b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.**

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

17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

- a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- 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 office of the Council, whichever be the greater) but not more than five pounds.

### **Penalties**

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

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\*The words in brackets may be substituted with "equal to" subject to amendment of the byelaws

On 1st April 2019 the Suffolk Coastal and Waveney districts are abolished as local government areas and the District Councils are wound up and dissolved. Byelaws in the name of Suffolk Coastal District Council or Waveney District Council are enforceable by East Suffolk Council.

### HACKNEY CARRIAGE BYELAWS – WAVENEY DISTRICT COUNCIL

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, as amended by the Local Government Act 1972 by the Waveney District Council with respect of hackney carriages in Waveney.

#### Interpretation

1. Throughout these byelaws "the Council" the District Council of Waveney and "the district" means Waveney.

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

2. a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
  - b) A proprietor or driver of a hackney carriage shall:-
    - III. not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
    - IV. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

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

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

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

5. The driver of a hackney carriage provided with a taximeter shall:

- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "**HIRED**" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
- c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1974 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. A proprietor or driver of a Hackney Carriage shall not stand or ply for hire or cause or permit any Hackney Carriage to stand or ply for hire if the taxi meter with which the carriage is provided or the fittings thereof or the seals affixed thereto (all in accordance with the requirements of these byelaws) have been broken, damaged or otherwise tampered with.

8. The driver of a hackney carriage shall, when plying for hire in any street:-

- a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;

- b) if a stand, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
  - d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
9. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
10. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
11. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
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 plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and, when hired, wear that badge in such position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
- a) convey a reasonable quantity of luggage;
  - b) afford reasonable assistance in loading and unloading; and
  - c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

#### **Provisions fixing the Stands of hackney carriages**

15. Each of the several places specified in a Regulation made in pursuance of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, shall be a stand for such number of hackney carriages as is specified in the said Regulations.

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



16. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council the rate or fare being calculated by time and distance unless the hirer expresses at the commencement of the hiring his desire to engage by time for a journey terminating outside the licensing area.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by time and distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, together with any extra charges prescribed by the Council so recorded.

17. a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.**

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

19. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and

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 office of the Council, whichever be the greater) but not more than five pounds.

**Penalties**

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

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## PENALTY POINT SCHEME

### 1. **General Purpose**

The purpose of this licensing scheme is to give licensees clear guidance about the consequence of non-compliance with the Council's licensing requirements.

Where appropriate, the Council's Licensing staff have discretion to give a verbal warning for a first offence in any category, but subsequent offences will be subject to penalty points in accordance with this scheme. In circumstances where the imposition of penalty points may not be appropriate, a licensee may be required to appear at a Licensing Hearing.

### 2. **Procedure for Imposing Penalty Points**

Prior to the imposition of penalty points, a licensee will be notified of the breach of condition(s), and be advised that penalty points will be imposed.

Licensees will be given 14 days in which to appeal. If no appeal is lodged within that period, penalty points in accordance with the notice will be recorded against the licensee and endorsed in his/her licence book.

### 3. **Appeals**

Where an appeal is lodged within the 14 day period, penalty points will not be recorded until such time as the appeal has been heard. Appeals against the addition of points to a licence will be heard by the Licensing Sub-Committee.

### 4. **Rehabilitation from Penalty Points**

Penalty points will be removed from a licence 3 years after the date on which they were recorded.

### 5. **Appearance before the Licensing Committee.**

Where a licensee incurs 12 or more penalty points in any three year period, the licensee will appear before a Licensing Sub-Committee for members to determine the appropriate action to be taken as a consequence of the incidents of non-compliance.

A licensee may appeal to the Magistrates' Court against the decision of the Licensing Sub-Committee.

#### **GROUP 1: 5 PENALTY POINTS**

- 1.1 Failure to maintain vehicle in accordance with the requirements of the law. (V)
- 1.2 Any action which invalidates the insurance cover for the vehicle. (V&D)
- 1.3 Carrying more passengers than the vehicle is licensed for. (D)
- 1.4 Failure to report an accident/damage to the vehicle. (V)
- 1.5 Failure to report a change in medical circumstances as described in the Council's 'Statement of Medical Standards'. (D)
- 1.6 Failure to report charge, conviction, caution or arrest during the period of the licence. (D)  
(This includes any driving licence endorsements).

## **GROUP 2 : 4 PENALTY POINTS**

- 2.1 Failure to notify of change of address (V&D)
- 2.2 Failure to produce documents to the Council as required. (V&D)
- 2.3 Failure to return identification plates and licences on renewal. (V)
- 2.4 Failure to produce mid-term mechanical inspection. (V)
- 2.5 Failure to inform the Council of transfer of interest in whole or in part in the vehicle. (V)
- 2.6 Failure to seek approval of the Council prior to making any alterations to the vehicle. (V)
- 2.7 Failure to comply with the Council's CCTV Policy. (V)

## **GROUP 3 : 3 PENALTY POINTS**

- 3.1 Failure to maintain a clean and tidy vehicle. (V&D)
- 3.2 Failure to maintain presentable, clean and tidy appearance and wear appropriate clothing and footwear. (D)
- 3.3 Failure to carry out daily vehicle check. (D)
- 3.4 Failure to wear driver's badge. (D)
- 3.5 Refusal to carry guide dog when requested to do so. (D)
- 3.6 Failure to provide receipt when requested. (D)
- 3.7 Failure to display identification plates correctly. (V)
- 3.8 Vaping inside vehicle. (D)
- 3.9 Failure to prohibit vaping inside vehicle. (V)
- 3.10 Failure to display fare tariff correctly (Hackney Carriage Proprietors Only.) (V&D)

**Key:-** (V) = Points will be endorsed on Vehicle Licence (i.e. vehicle proprietor's responsibility)  
(D) = Points will be endorsed on the Driver's Licence

## **GROUP 4 :**

- 4.1 **Complaints found to be justified relating to:**
    - a) Uncivil and disorderly behaviour.
    - b) Promptness of arrival (failure to comply with drivers' licence condition 2(a)
    - c) Announcement of arrival (failure to comply with drivers' licence condition 2(b).
    - d) Failure to assist passenger.
    - e) Incorrect charging procedures.
    - f) Compromising safety of passenger.
    - g) Complaint found justified relating to failure to complete journey in accordance with the contract made by the passenger with the private hire operator.
- will be reported straight to a Licensing sub-committee for determination.**

**POLICY FOR DETECTING USE OF ILLEGAL DRUGS****Aim of the Policy**

The Council views drug use, whether on a recreational basis or habitually, as completely incompatible with being a fit and proper person to be entrusted with the safe carriage of the general public as well as the dangers presented to other road users by licensed drivers.

This Policy therefore aims to establish procedures to allow for intelligence-led drugs testing of licensed drivers, and the testing of licensed drivers where a licence has been granted subject to random drug testing, with the intention of both detecting drivers who use illegal drugs and also deterring such persons from continuing to use drugs.

The Policy also provides a discretionary power for certain applicants for the grant of licences to drive taxis or private hire vehicles, and who have a criminal record involving drug-related offences, to be required to pass a drugs test at their own expense as one part of the application process.

Finally, the Policy also provides a discretionary power for applicants seeking to renew their licences to drive taxis or private hire vehicles, and who have been convicted during the currency of their licence of drug-related offences, to be required to pass a drugs test at their own expense as one part of the renewal application process.

The Council strongly encourages any person who uses illegal drugs to seek assistance from their GP or Drug Counselling agencies such as FRANK (<https://www.talktofrank.com/>) before reaching a point where their livelihood, their safety and the safety of others is put at risk from their drug use.

**Applicability of Policy****1. New Applicants with Drug-related conviction(s)**

In the case of any applicant for a new taxi / private hire driver's licence who has any drug-related conviction or caution (whether for drug-driving, drug possession, supply / intent / conspiracy to supply or production of drugs) obtained within the period of 3 years prior to the date of application, the Licensing Service Manager be given discretion to require them as part of the application process to undergo at their own expense a drug test by the Council's appointed toxicology company. This urine analysis test must produce a negative (pass) result. If a positive (fail) result is given, then further testing of the urine must be carried out at the company laboratories. For the avoidance of doubt, the provision of such a negative test result will be merely one aspect of the consideration process as to whether the applicant satisfies the "fit and proper person" test and shall not of itself prove determinative. The applicant will be required to pay the cost of the test.

This discretionary procedure is intended to be used in a very limited number of cases as ordinarily the mere fact of drug convictions will be sufficient to justify refusing the application. It may still be necessary for the applicant to go before the Licensing Sub-committee before a final decision is made, even where a test is negative, if the applicant has had a drugs conviction within 3 years of applying for a licence or where officers have concerns as to an applicant's specific circumstances, such as a repeat pattern of offending in relation to the misuse of drugs.

## 2. Applicant for Renewal with recent Drug-related conviction(s)

In the case of any licensed driver seeking to renew their taxi / private hire driver's licence who has any drug-related conviction or caution (whether for drug-driving, drug possession, supply / intent / conspiracy to supply or production of drugs) obtained within the period of 3 years prior to the date of application, the Licensing Manager be given discretion to require them as part of the application process to undergo at their own expense a drug test by the Council's appointed toxicology company. This urine analysis test must produce a negative (pass) result. If a positive (fail) result is given then further testing of the urine must be carried out at the company laboratories. For the avoidance of doubt, the provision of such a negative test result will be merely one aspect of the consideration process as to whether the licence should be renewed and shall not of itself prove determinative. The applicant will be required to pay the cost of the test.

Again, this discretionary procedure is intended to be used in a very limited number of cases as ordinarily the mere fact of drug convictions will be sufficient to justify refusing the application. It may still be necessary for the applicant to go before the Licensing Sub-committee before a final decision is made, even where a test is negative, if the applicant has had a drugs conviction within 3 years of applying for a licence or where officers have concerns as to an applicant's specific circumstances, such as a repeat pattern of offending in relation to the misuse of drugs.

If the initial screening test is positive (fail), then that sample will be required to be sent to the Council's appointed company's testing laboratory for a confirmatory test which will determine exactly what substance was taken and in what quantities. During this time the person who was tested may have any licence to drive taxi and private hire vehicles revoked with immediate effect by the Head of Legal and Democratic Services acting under delegated powers on the grounds of public safety. In the event that the confirmatory analytical laboratory result is below the level of quantification or consistent with declared medication then the person who has had their licence revoked may have their revocation rescinded by the Head of Legal and Democratic Service if he / she is satisfied that it is appropriate to do so.

## 3. Intelligence led Drug Testing

This would be based upon the Licensing Manager being satisfied that credible reasons exist to suspect that a licensed private hire / taxi driver may be using illegal drugs. Where he/she is so satisfied the driver will be required in writing to undergo, at the Council's expense, a urine analysis carried out by the Council's appointed toxicology company as specified by the Council on a certain date. Failure to comply with such a requirement may result in the driver committing an offence of obstruction pursuant to Section 73(1) of the Local Government (Miscellaneous Provisions) Act 1976 and / or may result in the driver's licence being reviewed to ascertain whether the non-compliance gives rise to "reasonable cause" for the driver's licence to be revoked or suspended. The Licensing Manager will have a discretion at all times to consider whether the driver had a reasonable excuse for not complying with the requirement and may, as he sees fit, require the driver to attend for testing on an alternative date. The licensing authority will cover the cost of the drug testing where the drug testing is intelligence led.

## 4. Licence granted subject to a condition requiring random drug testing

There may be occasions where a licence is granted to a driver subject to a condition that a driver is subject to random drug testing for the duration of their licence or for a specified period of time less than the duration of their licence. For example, where the Sub-Committee is satisfied that despite a misuse of drugs incident in the past, an applicant/driver is sufficiently reformed so as to be fit and proper but

the Sub-Committee wish the driver to be subject to random drug tests to ensure the driver's suitability to be licensed does not change over time, through a return to misusing drugs, to protect the travelling public. The licensing authority will cover the cost of the drug testing where a licence is granted subject to a condition requiring random drug testing.

## **Drug Testing Procedure**

### **Introduction**

There are different methods of testing for drugs in the body. Testing for drug misuse depends on the collection of samples for analysis, which can be achieved by the use of a portable testing kit for preliminary screening or the sample can be sent to a toxicology laboratory for analysis.

The Council's nominated UKAS accredited toxicology company will be used for the initial test, any detailed analysis and confirmation of samples.

Drug testing procedures involve up to five stages depending on whether a positive result is obtained; all are strictly controlled by a process referred to as "Chain of Custody". The stages involved are summarised here:

1. Sample Collection
2. Preliminary Screening
3. Confirmatory Analysis
4. Medical Review (MRO)
5. Reporting of Results

### **Sample Collection**

Chain of Custody is the name given to the procedures that are employed to ensure that the integrity of a sample is maintained from the sample first being provided up to and including the reporting of the laboratory results and possible medical review.

The person being tested will be asked to donate a sample for screening using the procedures for sample collection provided by the nominated company.

The person being tested will witness the sample collection and also the record keeping and identification procedure for the sample.

### **Adulteration Testing for Urinalysis Only**

The whole procedure will be carefully witnessed to prevent adulteration or substitution of other substances by the person being tested. The sample is taken and inspection of colour and temperature conducted. The sample will be tested using an on-site device.

Note: If a urine sample cannot be provided by the person being tested within three hours then this will be treated as a failure to provide a valid sample.

### **Confirmatory Analysis**

If the sample proves to be positive, then the two samples (in the sealed containers) obtained at collection will be sent to the analytical laboratory for confirmatory analysis.

### **Toxicology and Reporting of Results**

All stages of the analysis are carefully monitored by the analytical laboratory toxicologists and/or the Medical Review Officer. Once the results are known then they may be reported to a laboratory

toxicologist who will interpret the results of the analysis which will be subsequently confidentially reported to the Council.

### **Drug Testing Collection Procedure**

The person being tested will be informed of the requirement to be tested for drugs and the testing procedure will be explained to them.

The person being tested attends the Council offices where the samples are to be collected.

The person being tested is then required to sign a consent form regarding this impending test.

The sample is taken by the 'collector' from the nominated company.

If it is ascertained that adulteration has occurred, then this will constitute an invalid sample which shall be reported to the Council.

If any person being tested refuses to provide a urine sample, they will be informed that such a refusal is a failure to comply with this Policy and, as such, will be reported to the Council which may result in their licence being suspended or revoked.

For point of care testing devices which provide an instant result, the person being tested may be required to provide information of any drug(s) and prescription or non-prescription medication taken (including dosage and frequency) if the sample is positive.

If the screening test is positive, then that sample will be required to be sent to the analytical laboratory for a confirmatory test which will determine exactly what substance was taken and in what quantities. During this time the person who was tested may have their licence to drive taxi and private hire vehicles revoked with immediate effect by the Council's Head of Legal and Democratic Services acting under delegated powers on the grounds of public safety. In the case of a new applicant, no licence will be issued. Once further test results are known a decision will be made as to whether to issue a licence. In the event that the analytical laboratory result is below the level of quantification or consistent with declared medication then the person who has had their licence revoked may have their revocation rescinded by the Licensing Manager if he / she is satisfied that it is appropriate to do so.

If the analytical laboratory result is positive, the revocation of licence will not be rescinded. A licence will not be issued to a new applicant.

**ACCIDENT REPORTING**

Vehicle proprietors **must** report **any** accident damage that affects the safety, performance, appearance or passenger comfort/convenience **within 72 hours** by contacting one of the Council's vehicle inspectors at either of the Norse depots or one of the agency garages, who will decide whether the accident damage is either **major or minor**. The vehicle inspector will complete an accident report form which will be sent to the Licensing Team to inform them about the accident.

**Major damage** is damage that impairs:

- a) Chassis and under parts of the vehicle
- b) Correct operation of doors, boot and bonnet of the vehicle
- c) Correct operation of lights, indicators etc.
- d) Structural integrity of pillars A, B or C (refer to Manual of Inspection Standards)

**Minor damage** is damage that is not major.

If the vehicle inspector considers the damage to be **major**, he will issue an unfit vehicle notice and the vehicle licence plates must be surrendered to the vehicle inspector. Repairs to the vehicle must be completed within 2 months from the date of the unfit vehicle notice otherwise the vehicle licence will be revoked.

Once the vehicle has been repaired, the driver/proprietor must contact the vehicle inspector to make an appointment for the vehicle to be re-inspected. Providing the vehicle inspector is satisfied that the repairs have been carried out satisfactorily, the unfit vehicle notice will be lifted and the plates re-issued. The Licensing Team will receive confirmation from the vehicle inspector that the vehicle plates have been reinstated.

If the vehicle inspector considers the damage to be **minor**, the vehicle can continue to be used pending repair. A notice will be issued advising of the time-scale in which the vehicle must be presented for re-inspection after repair. In the event of failure to get the repair carried out within the time-scale or to a satisfactory standard, the vehicle will be suspended and the vehicle licence plates must be returned to the vehicle inspector within 7 days from the date that the vehicle repair should have been undertaken. The Licensing Team will receive confirmation from the vehicle inspector as to whether the vehicle has been satisfactorily repaired or whether the vehicle licence has been suspended.



## CCTV

### Minimum System Specification

Any system, installed in vehicles licensed by East Suffolk Council, shall, as a minimum:

1. Meet the current Information Commissioner data protection requirements.
2. Be capable of date & time system identification stamping.
3. Be capable of recording and storing images for a minimum period of seven days.
4. Be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for prosecution purposes.
5. Be capable of storing images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.
6. Provide that images are only capable of being downloaded by a system administrator.
7. Provide that images are digitally encrypted. De-encryption software required to view the recorded images must be supplied to the Council free of charge before the system is installed in the vehicle.
8. Provide that the hard disk or any other secure digital device (for example SD card), is not able to be accessed by the driver or any other person travelling in the vehicle.
9. Provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
10. Provide that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.
11. Any system must be marked with the EMC [Electro Magnetic Compatibly] Certification which signifies that it meets the European Industry Standard.

### Application process for a CCTV system to be installed in licensed vehicles:

1. Any individual who wishes to apply to the Council for the approval of a CCTV system must apply in writing to the Council giving details of the system they propose to use specifying the number and location of cameras.
2. The applicant must provide evidence that the product complies with the Council's minimum recommended specification.
3. The applicant must provide the name and contact details for the system administrator for their proposed equipment.

4. The Council will issue the applicant with written confirmation that their system is either approved or not approved for use in vehicles licensed by East Suffolk Council.
5. The same approval will be required for each new product, or any modification to an existing approved product.

**Conditions:**

1. No CCTV system shall be installed in a vehicle unless it has previously been approved.
2. No CCTV system shall be installed in a vehicle without the prior written consent of the Council.
3. The number and location of cameras shall not be varied without the prior written consent of the Council.
4. An advisory notice shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
5. The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person.
6. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by an authorised officer of the Council or a Police officer.
7. Upon request for image retrieval by an officer of the Council or a police officer the proprietor shall ensure that the CCTV system is made available to the system administrator, as soon as reasonably practicable, and in any event within 7 days of the request.
8. Should the retrieval of images be required for insurance claim purposes the Council should be informed that a request is being made to the administrator and the details of the application
9. The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.
10. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

**CONDITIONS TO BE ATTACHED TO  
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES**

1. The vehicle shall comply at all times with the law and the licensee shall produce such evidence of insurance, MOT, registration and excise licence as the Council may require.
2. The vehicle must pass the Council's annual and 'mid-term' mechanical inspections.
3. The vehicle must comply with:
  - a) The Council's vehicle specification;
  - b) The Council's manual of inspection standards.

Whilst the vehicle licence is in force:-

4. The vehicle must be maintained so that:-
  - a) It is free of unpleasant odours;
  - b) It has a clean interior which includes:
    - seats which are not stained, clear of food debris and animal hairs;
    - carpets which are not stained, clear of food, debris, mud and dirt.
  - c) It has a clean exterior, which includes door arches and sills which are clear of dirt, oil and grease;
  - d) A clean and tidy boot so that luggage is not soiled.
5. Identification plates will be issued to proprietors of licensed private hire and hackney carriage vehicles but will remain the Council's property. If the plates or brackets are lost or damaged, a charge will be made for a replacement.

The plates **must** be fixed to licensed vehicles as follows:-

Large External Plate

**Must** be fixed to the vehicle adjacent, above or below the registration plate, so that it is clearly visible. It must **not** be placed in the rear window or in such a way that it is obscured by the registration plate or rear bumper.

Small Internal Plate

**Must** be fixed inside the vehicle in the front windscreen with the luminous side visible from the outside.

6. **Additional Signage**
  - a) All Licensed Vehicles
    - "No Smoking" signs **must** be displayed in accordance with the Smoke-free (Signs) Regulations 2012
  - b) Hackney Carriage Only
    - i) **must** have an illuminated sign fixed to the roof bearing the word "taxi" and no other word.
    - ii) **must** display and maintain the scale of fares fixed by the Council so as to be clearly visible to passengers.
    - iii) **must** be fitted with a meter which is clearly visible to all passengers.

(In the event that a proprietor chooses to use the taxi meter to discount the approved fare a notice **must** be displayed to inform passengers.)

- iv) **may** display:-
- an illuminated “for hire” sign;
  - windscreen sticker with the name and number of the taxi firm fitted in a manner that does not obscure the driver’s view and swept area;
  - any other non-luminous sign or advertisement which must comply with the **British Code of Advertising, Sales Promotion and Direct Marketing**.

c) Private Hire Only

- i) must **not** have a sign or advertisement which includes the word “taxi” or “cab” in any form.
- ii) must **not** have an illuminated sign of any description
- iii) **may** be fitted with a meter which **must** be clearly visible to all passengers.
- iv) **may** display any non-luminous sign or advertisement which must comply with the British Code of Advertising, Sales Promotion and Direct Marketing

7. The proprietor of a licensed vehicle shall:

- a) Comply with the Council’s accident reporting procedure;
- b) Notify the Council within 14-days of any transfer of interest in whole or in part in the vehicle to any other person not specified in the vehicle licence;
- c) Seek approval of the Council prior to making any alterations that will change the specification, design, condition or appearance of a licensed vehicle.
- d) Notify the Council of change of address within 7 days

8. **E-CIGARETTES**

The use of e-cigarettes to ‘vape’ is prohibited in any vehicle licensed by East Suffolk Council – this condition relates to both drivers and passengers.

**AMENDMENT TO CONDITIONS**

The Council may in its discretion and at any time add to, delete or alter any of these conditions. Any amendments so made will come into effect as soon as the holder of the hackney carriage vehicle licence has been notified. For the avoidance of any doubt this means that immediately upon such notification the licence will be subject to such amended conditions with immediate effect.

Notification will be taken to have been affected by the Council informing the Licensee at the address or email address given by the licensee.

**CONDITIONS TO BE ATTACHED TO  
RICKSHAW HACKNEY CARRIAGE VEHICLE LICENCES**

1. A licensed Auto-Rickshaw must be of a design which has the driver/rider to the front and the passengers seated to the rear. Cycle-Rickshaws may be of a design where the passengers are forward facing.
2. The rickshaw whether pedalled, electrically motorised or powered by the traditional two-stroke engine, must be limited to three wheels.
3. The safe number of passengers that can be carried in each rickshaw must be assessed and determined by the Senior Vehicle Examiner and this number would be displayed on the licence plate issued by the Council.
4. The vehicle licence plate, issued by the Council, must be affixed to the outside of the rear of the vehicle; this plate would also display the expiry date of the licence.
5. A fully paid up insurance policy in respect of the vehicle, covering public liability insurance in the sum of £5 million must be in place during the term of the licence and this policy must be produced to an authorised officer of the Council at such times and at such places as may be reasonably required.
6. Auto-rickshaws and tuk-tuks must comply at all times with the law and the licensee shall produce such evidence of insurance, MOT, registration and excise licence as the Council may require.
7. Cycle-rickshaws must comply, where applicable, with:
  - a. The Pedal Cycle (Construction and Use) Regulations 1983 and The Pedal Cycle (Construction and Use) (Amendment) Regulations 2015.
  - b. The Pedal Bicycle (Safety) Regulations 2010.
  - c. The Electrically Assisted Pedal Cycle Regulation 1983 and The Electrically Assisted Pedal Cycle (Amendment) Regulations 2015.

and in addition, have two rear position lamps and two rear reflectors; where appropriate.

8. The rickshaw must be produced for examination and inspection at an approved garage prior to being licensed and then annually prior to each renewal and at such times and at such places as may reasonably be required.

*Note: arrangements can be made for the rickshaw inspection by telephoning the Council's Senior Vehicle Inspector on (01502) 565626. .*

9. The Council must be notified if any alteration is proposed to be made to any part of the vehicle before such alteration is carried out.
10. Licensed rickshaws must be fitted with seatbelts or lap belts which will be adequate to retain the passenger in the vehicle and must bear an EC or BSI mark.

11. Licensed rickshaws must be kept in good order, the inside and outside clean and braking machinery efficient and all fixtures and fittings on the rickshaw are to be well maintained at all times.
12. Licensed rickshaws must comply with the Road Vehicle Lighting Regulations 1989 and in addition, any other electrical equipment fitted must be maintained in good condition and be fully functional.
13. Tyres must have a clearly visible tread pattern over the entire circumference and over the full breadth of the tyre with no exposed cord. Tyres must also be suitable for the proposed load being carried.
14. The floor of the rickshaw must be covered with mats of a suitable material.
15. Licensed rickshaws must either have a watertight roof and a means of opening and closing windows or, in the case of an open carriage, be used in fair weather conditions only.
16. The seats of a licensed rickshaw must be properly cushioned or covered; fittings and furniture must be kept clean and adequate for the convenience of persons conveyed therein.
17. Wheels in the vicinity of the passenger compartment must be covered for the protection of the passengers and their clothing.
18. A basic first aid kit must be carried on all licensed rickshaws.
19. All accidents involving the rickshaw must be notified to the Council, by the proprietor, within 72 hours.
20. An unfit vehicle notice could be issued by an authorised officer of the Council, to any operator or driver whose vehicle is deemed unfit to use or whose vehicle is in breach of any of the above conditions. The unfit vehicle notice would prohibit the rickshaw from being used until the defect has been rectified to the satisfaction of the authorised officer.
21. A rickshaw vehicle licence would be revoked in the event of the Council being reasonably satisfied that a breach of the foregoing conditions or any act or byelaw relating to hackney carriages has occurred.

**CONDITIONS TO BE ATTACHED TO  
HORSE DRAWN HACKNEY CARRIAGE VEHICLE LICENCES**

1. The carriage and harness shall be produced for examination and inspection by an assessor from the British Driving Society; annually and at such times and at such places as may reasonably be required.
  2. The Council shall be notified if any alteration is proposed to be made to any part of the carriage, before such alteration is carried out and may consult with a BDS assessor.
  3. The operator shall carry out a daily inspection to ensure that the horse is in good health and the carriage is kept in good working order and that the inside and outside is clean.
  4. The floor of the carriage shall be covered with mats of a suitable material.
  5. The carriage shall either have a watertight roof and a means of opening and closing windows or, in the case of an open carriage, be used in fair weather conditions only.
  6. The seats of the carriage shall be properly cushioned or covered; fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein.
  7. The carriage shall at all times display the plate showing the hackney carriage licence number.
1. An unfit vehicle notice shall be issued by an authorised officer of the Council, to any operator or driver whose vehicle is deemed unfit to use or whose vehicle is in breach of any of the above conditions. The unfit vehicle notice would prohibit the vehicle being used until the defect had been rectified to the satisfaction of the authorised officer.
  2. The number of passengers carried in the carriage shall not exceed such number as may be authorised by the Council, no child under the age of 14 should be permitted to ride without at least one adult, and no passenger under ten years of age shall be allowed to travel at the front beside the driver.
  3. A fully paid up insurance policy in respect of the vehicle, covering public liability insurance in the sum of £5 million shall be in force during the currency of the licence and this policy shall be produced to an authorised officer of the Council at such times and at such places as may be reasonably required.
  4. A valid horse passport, specifying the current owner of the horse, must be produced on application/renewal for each animal used; and be available for inspection by an authorised officer on request.
  5. All horses engaged in pulling a carriage must be certified by a veterinary surgeon with equine experience as capable so to do.
  6. During their work breaks horses should be removed from the vehicle and taken to a place where they can be fed and watered (the harness may remain in place).

7. Every part of the harness of animals drawing a carriage shall be kept in order so that the animal is properly and securely attached to the carriage and under due control.
8. In the event of an authorised officer of the Council having reason to suspect that an animal being used in the operation of a horse-drawn carriage is unfit to fulfil its functions, that animal shall be subjected to immediate inspection by a qualified veterinary surgeon and the licensee shall meet the costs involved. Where an animal is so found to be unfit its use in the operation of a carriage shall be discontinued until such time as a certificate of fitness signed by a qualified veterinary surgeon is produced to the Council's officer.
9. All horses engaged in pulling carriages should be a minimum of 6 years old, adequately trained in harness, with 12 months regular experience of being driven in harness. Physically fit, temperamentally and behaviourally suitable, of a suitable height and correctly harnessed.
10. All horses engaged in pulling carriages must be adequately shod by a farrier who is registered with the Farrier's Registration Council for the purposes of providing commercial horse drawn services on the public highway.
11. A horse-drawn carriage shall not be used unless a dung catcher is fitted to the vehicle, which has the effect of preventing at least 90% of the horse dung from being deposited on the highway.
12. It shall be the operator's responsibility to ensure that no horse is allowed to work more than 6 hours a day, with a one hour break in the middle, over a 5 day working week. Each operator shall maintain and keep a log, in their carriage, of the hours of operation for each horse used.
13. When standing and plying for hire the licensee shall exhibit a table of fares and no person shall be charged in excess of the table of fares. The choice of single or return journeys being at the discretion of the hirer.
14. The licence shall be revoked in the event of the Council being reasonably satisfied that a breach of the foregoing conditions or any act or byelaw relating to carriages has occurred.
15. A driving whip should be, carried in hand and used as an aid to communication, but not as an instrument of punishment.
16. No horse under 6 years of age, mare in foal or within 6 months of foaling shall be used to draw a carriage.
17. The licensee shall provide such evidence as the Council may reasonably require relating to the suitability of any horse to be used to pull a carriage.



**CONDITIONS ATTACHED TO PRIVATE HIRE OPERATORS LICENCE**

1. The Licensee shall keep records (in written or computer format) of all journeys undertaken by vehicles operated by him in a manner approved by the Council. Records shall include:-
  - (1) Records of all journeys booked with a private hire operator (regardless of whether a hackney carriage, private hire vehicle or modified private hire vehicle will be used to carry out the journey) shall be kept.
  - (2) Each booking shall be entered into the register at the time it is made.
  - (3) The date of the journey shall be clear, either against each entry or at the beginning of each day. The register will be kept in date order.
  - (4) Each entry shall contain the following information:-
    - (a) the name of the hirer
    - (b) the time the vehicle is required
    - (c) the pick-up point
    - (d) the destination specified by the hirer when the booking is made
    - (e) the name of the driver employed to carry out the booking, or, if the booking was transferred to another private hire vehicle operator, the name of that operator. If the call sign is used to identify the driver each call sign will be unique to a driver.
    - (f) the driver's licence number
    - (g) the vehicle registration number of the vehicle
    - (h) the name of any individual that responded to the booking request
    - (i) the name of any individual that dispatched the vehicle.
  - (5) In addition to the above, where a modified private hire vehicle is employed, a copy of the written confirmation provided to the hirer and driver of the vehicle shall be kept available for inspection.
  - (6) The records of all vehicles employed by a private hire vehicle operator shall include the:-
    - (a) vehicle owner
    - (b) registration number
    - (c) details of vehicle insurance and its expiry date
    - (d) details of Certificate of Compliance / MOT and its expiry date
    - (e) details of hackney carriage, private hire vehicle or modified private hire vehicle licence and its expiry date.
    - (f) the name of the driver of such vehicles and the unique call sign allocated to such drivers.
    - (g) if modified private hire vehicles are employed, details of DVLA driving licence including Class of vehicle driver is entitled to drive.
    - (h) details of hackney carriage or private hire vehicle driver's licence and expiry date
    - (i) the dates and times during which each vehicle is employed.

All the above records (or the relevant pages if the records are kept in loose-leaf form, or print-out if computerised) shall be retained for a minimum of 6 months and be available for inspection at

any reasonable time without notice by an authorised officer of the Council. Such officer shall be empowered to take the books from the premises if necessary.

2. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-
  - (a) Ensure, when a private hire vehicle has been hired, that:-
    - (i) the vehicle and driver, unless delayed or prevented by sufficient cause, punctually attend the appointed time and place;
    - (ii) the vehicle and driver complete the journey as agreed with the hirer;
    - (iii) a means by which the driver of the vehicle can report any delays or difficulties which may occur throughout the journey is provided;
    - (iv) appropriate assistance is provided in the event of difficulty;
    - (v) a means be provided by which the driver of a private hire vehicle can report any delays or difficulties which may occur throughout the journey.
  - (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
  - (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
  - (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
3. The operator must inform any hirer when a PSV (Public Service Vehicle) may be necessary and that a PCV licenced driver will be used who is subject to different checks to a private hire driver and not required to have an enhanced DBS check. The hirer's written consent must be obtained and evidenced before the PSV and PCV driver is dispatched to the booking.
4. The operator shall provide and maintain a register of all staff who take bookings and dispatch vehicles. The operator must have had sight of a Basic DBS check on all such staff added to the register and this must be recorded in the register.
5. The operator shall provide and maintain a policy for employing ex-offenders in roles that would be included in the staff register.
6. The operator shall notify the Council in writing
  - (a) Immediately upon the receipt of any complaints concerning a contract for hire, or purported contract, relating to or arising from his business and of the action (if any) which he proposes to take.
  - (b) Within seven days of any change of his address (including any address from which he operated or otherwise conducts his business as an operator) during the period of the licence.
  - (c) Within seven days of any other change in the business arrangements. This includes communication equipment, record formats and the vehicles and drivers used to carry out booked journeys.
  - (d) Within seven days of any conviction imposed on him (or if the business is a company or partnership, on any directors or partners) during the period of the licence.
  - (e) Any changes of partner or director, or any such person, if the Operator is a company or joint venture.

7. In addition to the above, if modified private hire vehicles are employed to carry out journeys the following conditions also apply:
- (a) Only bookings made at least 24 hours in advance of the journey commencement time may be accepted.
  - (b) Written confirmation of the of the booking must be provided to the hirer and to the driver of the vehicle stating:
    - i) the name and address of the hirer
    - ii) details of the journey (time, pick-up point and destination and return, if any)and the date on which the booking is made
    - iii) charge
    - iv) a statement as to the maximum number of passengers that may be carried in the vehicle.
  - (c) Only licensed private hire vehicle drivers that hold a valid DVLA Group 2 licence permitting them to drive large goods vehicles, buses and coaches may carry passengers in such vehicles.
8. A licence obtained by any form of payment that is subsequently dishonoured will render the licence invalid. The licence document must be returned to the Council until an alternative form of acceptable payment is made.
- The licence document remains the property of the Council and it must be informed forthwith if lost or stolen.
9. If a booking is accepted in the vehicle it shall be capable of automatically being entered onto a digital booking system or must be entered into such a record immediately upon return to the office.
10. The Council may use its discretion at any time add to, delete or amend any of these conditions. Amendments to the conditions will come into effect as soon as notification has been received by the licensed operator.

## ENQUIRIES

Any questions about of the information contained in this policy should be directed to the Licensing Team at:

East Suffolk Council  
East Suffolk House, Riduna Park  
Station Road, Melton  
Woodbridge  
IP12 1RT

or East Suffolk Council  
Riverside  
4 Canning Road  
Lowestoft  
NR33 0EQ

**Email:** [licensing@eastsuffolk.gov.uk](mailto:licensing@eastsuffolk.gov.uk)  
**Telephone:** 01394 444802