

# Hackney Carriage and Private Hire Licensing Policy 2017



Contents	Page No
Definitions	4
<b>Section 1 – Introduction</b>	
Policy Purpose, Status and Scope	5
Consultation and Revision	5-6
Licensing Regime – General Overview	6
Role of Hackney Carriage and Private Hire Trade and the difference between them	7
Information Sharing	7
Decision Making	7-8
Immigration Act – All Licences	8
Policing and Crime Act 2017	8
<b>Section 2 - General provisions for hackney carriages and private hire vehicles</b>	
Vehicles General	8-9
Appearance	9
Vehicle Age and Livery Policy	10
Insurance	10
Safety Equipment	10
CCTV in Licensed Vehicles	10-11
Vehicle testing	11
Accidents	12
Taximeters	12
Transfer of ownership of the vehicle	12
Accessibility of Vehicles	12
Funeral and Wedding Vehicles	13
Speciality Vehicles and Limousines	13
Private Hire Exemption Licence	13-14
Required information to be displayed inside all licensed vehicles	14
<b>Section 3 - General provisions for Hackney Carriage and Private Hire drivers</b>	
Drivers General	14-15
Suitability of Driver	15-16
Application process	16
Convictions, Cautions and related matters	16-17
DVLA	17
Medical Requirements	17-18
DVSA Driving assessment test	18
Service Expectations	19
Assistance Dog Exemption certificate	19
Idling offence Environmental Impact	19
Monitoring of licensed – Penalty Points Enforcement System	19-20
<b>Section 4 – Operators</b>	
General	20-21
Application – suitability of applicant	21
Suitability of premises	21
Operators’ responsibilities and obligations	21-22
Complaint Policy	23
<b>Section 5 – Safeguarding</b>	23-24
<b>Section 6 – Enforcement</b>	24
Right of appeal	24

**Appendices**

South Cambridgeshire DC Licence Conditions – Driver Licences	A
South Cambridgeshire DC Vehicle Licence Conditions – Private Hire & Hackney Carriage; Incorporating Conditions for Limousines & Speciality Vehicles	B
South Cambridgeshire DC Private Hire Operator Licence Conditions	C
South Cambridgeshire DC Private Hire Vehicle Plate Exemption Policy and Conditions	D
Guidelines Relating to the Relevance of Convictions/Cautions for Taxi Licensing	E
South Cambridgeshire DC Hackney Carriage Byelaws	F
Penalty Points Enforcement System	G
DBS Update Service: Multiple Status Check Facility	H

## Definitions

Applicant	Person or business who has submitted an application for either a grant or renewal of a licence
Assistance Dog	A dog which is trained to assist people with disabilities to help them with their day to day life
Authorised Council Officer	A council officer who is authorised by the council to exercise powers and duties conferred by legislation
Badge	Issued to all licensed drivers and must be worn when working as a licensed driver
Byelaws	Locally adopted 'conditions' applicable to Hackney Carriage drivers
Conditions	Mean the conditions of licence applied by the council to a driver's licence, an operator's licence or a vehicle licence.
Controlled District	Boundary area of a local authority which has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847
Date of First Registration	Date shown as the date of first registration on the vehicles V5 log book issued by DVLA
DBS	Disclosure & Barring Service
DfT	Department for Transport
Driving licence	Full GB driving licence issued by DVLA or, EEA driving licence or, acceptable equivalent as defined by DVLA or appointed agency
DVLA	Driver and Vehicle Licensing Agency
DVSA	Driver and Vehicle Standards Agency (which replaced VOSA in 2014)
Fare Card	A card which must be displayed in vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and soiling charge and the licence plate number
Hackney Carriage Vehicle	A vehicle licensed under the 1847 Act commonly referred to as a taxi
ICO	Information Commissioners Office
IOL	Institute of Licensing
LGA	Local Government Association
Licensing Authority	Means the licensing function within South Cambridgeshire District Council
Licensing Committee	The committee which determine licensing matters as set out in the council constitution
Licensed Driver	A driver licensed under the 1847 Act to drive a Hackney Carriage vehicle or under the 1976 Act to drive a Private Hire vehicle
Licence Plate	The plate which licensed vehicles must display which shows the licence number, the maximum number of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle
Licensed Vehicle	Vehicle which is licensed under 1847 Act as a Hackney Carriage or licensed under the 1976 Act as a private hire vehicle
Operator	The business which invites and accepts bookings for private hire work
Private Hire Door Stickers	Door stickers which must be affixed to the rear doors of private hire vehicles which display 'Private Hire vehicle – Must be pre-booked with operator'
Private Hire Vehicle	A vehicle licensed under the 1976 Act
Proprietor	Registered owner or part owner of a vehicle
PSV	Public Service Vehicle
Road Traffic Acts	Including all associated legislation
Taximeter	Device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. Fitted in all hackney carriage vehicles and some private hire vehicles
The 1847 Act	The Town and Police Clauses Act 1847 and the provisions within
The 1976 Act	The Local Government (Miscellaneous Provisions) Act 1976 and the provisions within
The Council	South Cambridgeshire District Council
The Equality Act	Equality Act 2010 which has legislation specific to disabled persons
This Policy	This policy document and appendices
WAV	Wheelchair Accessible Vehicle

## **SECTION 1**

### **1. Introduction**

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

- 1.1 The purpose of this policy is to provide guidance and information regarding the general approach taken by South Cambridgeshire District Council, when administering its functions within the legislative framework of the 1847 and 1976 Acts. It has traditionally exercised these responsibilities through a number of sets of conditions, byelaws, guidelines and procedures which have been developed and adopted over the years. It is widely considered best practice to create a unified policy that brings together all of these procedures and documents in one overarching policy.
- 1.2 This policy does not override the legal requirements embodied in any primary or secondary legislation in force at the time of adoption or as may be enacted after the adoption of this policy. Where there are any subsequent changes made to the applicable legislation, or its interpretation by the courts that conflict with this policy, the conflicting elements shall not apply and will be amended at the earliest opportunity.
- 1.3 The legislation places a duty on the council as the licensing authority for licensing hackney carriage and private hire vehicles, drivers of those vehicles and operators of those vehicles. The licensing authority understands the importance and responsibility it has in ensuring that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that drivers are fit and proper to undertake the role. This policy and the imposition of conditions found in the appendix documents are considered appropriate to address all these aspects.
- 1.4 The primary focus when administering its functions are public safety, safeguarding and wellbeing. In exercising its discretion in carrying out regulatory functions, the council will have regard to this policy and appendices.
- 1.5 In formulating this policy, consideration has been given to local circumstances and requirements and the DfT best practice guidance March 2010
- 1.6 Every decision, application and enforcement action will be considered on its own merits.
- 1.7 The council may depart from this policy if merited, but will provide clear and compelling reasons for doing so.
- 1.8 This policy is not a comprehensive statement of the law; applicants should always obtain their own legal advice if they are unsure of the requirements of legislation.
- 1.9 It must be noted that vehicles and drivers licensed by different local authorities can be used for private hire purposes within this district. These vehicles and drivers are not subject to compliance with the conditions applied by this authority but must still comply with their own local authority conditions and general law.

#### **Consultation and Revision**

- 1.10 The council will consult with stakeholders prior to the adoption of this policy, and for the further continuation and development of the policy.
- 1.11 Once adopted this policy and appendices will be kept under review and revised as appropriate and in any event not less than every five years. The council expects licence holders to comply with its terms and conditions.
- 1.12 The council will keep the policy and appendices under review and will consult where appropriate on proposed revisions. Appendices and sections of the policy may be updated and amended by the licensing committee after consultation without the whole policy being consulted upon. Minor editorial changes to ensure content is up to date and do not affect the ethos of the policy will be delegated to officers, such changes may be to change web addresses, postal addresses, contacts etc.

- 1.13 This being the first draft of the policy, will be consulted upon for 8 weeks from 1 November 2017 to 5 January 2018. Any responses to the consultation will be taken into consideration before determining and adopting the final policy. The final policy is expected to be in place no later than March 31<sup>st</sup> 2018.
- 1.14 The consultation draft policy was freely available on the council's website and main council buildings. There was a public notice in the local newspaper advising of the consultation and period.
- 1.15 Consultation took place with the following:
- Hackney Carriage drivers and proprietors
  - Private Hire drivers and proprietors
  - South Cambridgeshire Private Hire operators
  - South Cambridgeshire DC Councillors
  - Parish Councillors
  - Local Children's Safeguarding
  - Neighbouring authorities
  - Local safeguarding board
  - Local Colleges
  - Bodies that represent the elderly
  - General Public

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

- 1.16 The primary legislation applicable is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Vehicles used for hire and reward which accommodate a maximum of up to eight passengers, drivers of those vehicles and operators of private hire vehicles are regulated by the above legislation. Vehicles which accommodate more than eight passengers are classed as Public Service Vehicles (PSV) and are not covered by the legislation or this policy. The council has no involvement in the licensing of PSVs; they are the responsibility of The Traffic Commissioner.
- 1.17 Any person who carries out hire and reward work without the correct licences, would be breaking the law and therefore would not have valid insurance. This can have serious consequences for all parties involved, if an accident or incident occurs.
- 1.18 In order to be licensed correctly the licences must 'match', i.e. issued by the same local authority. A Hackney Carriage vehicle and the driver must be licensed by the same local authority. For private hire, the operator, driver and vehicle must be licensed by the same authority. This does not prohibit the operator subcontracting a booking to another operator licensed by a different local authority.
- 1.19 The legislation places a duty on the local authority to only license those who are considered to be 'fit and proper'. The term 'fit and proper' is not defined in legislation, but it may be useful to think of a person being considered as "safe and suitable".
- 1.20 The legislation allows local authorities to set their own conditions, requirements and application processes. This means that each local authority's requirements and conditions can be different.
- 1.21 The aim of the legislation is to ensure that the public have reasonable access to these services and to ensure the public are protected. Public safety is paramount and has a wide scope; it includes public safeguarding, protecting vulnerable persons and public wellbeing. To achieve the aim of the legislation and to meet the obligations of the Acts, South Cambridgeshire District Council has set conditions and processes in place, which promote well run, safe and responsible businesses.
- 1.22 Other general law is also applicable such as the Highway Code, the Road Traffic Act, Health and Safety at Work Act, the Health Act 2006, the Equality Act 2010, etc. This is not a definitive list and not all applicable legislation is enforced or regulated by the council for example the Road Traffic Act 1991. South Cambridgeshire District Council expects licence holders to ensure that they keep up to date and comply with all applicable legislation.

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

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

### **Information sharing**

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

### **Decision making**

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

- 1.33 Enforcement actions will be in accordance with this policy, the council's enforcement and inspection policy and the Regulators' Code 2014.
- 1.34 Any person who has been refused a licence, or has had their licence revoked or suspended, or who believes that the imposition of a condition is unfair, may appeal to the Licensing Sub-Committee or the magistrate's court within 21 days of being given the decision.

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

- 1.35 The council has a statutory obligation to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licences will be undertaken in accordance with the requirements of the Immigration Act 2016.
- 1.36 The council takes this responsibility seriously and has checks in place to ensure compliance with the Act, and will liaise where required with relevant Home Office departments. If however, a licence has been issued incorrectly for whatever reason, the licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the council within 7 days.
- 1.37 A licence may be suspended or revoked or its renewal refused if, since the grant of the licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.
- 1.38 Proprietors and operators also have an obligation to ensure that they only use persons who have the right to work in the UK. Failure to observe this obligation, or to provide due diligence checks, will be subject to enforcement action by the appropriate Home Office department, which may result in a civil penalty or imprisonment.

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

- 1.39 The council will give full regard to any guidance issued by the Secretary of State regarding the protection of children, and vulnerable individuals who are 18 or over, from harm. If any changes to any parts of this policy or related appendixes are required when the guidance is released, they will be amended at the earliest opportunity.

## **SECTION 2**

### **2. General provisions for Hackney Carriage and Private Hire vehicles**

#### **Vehicles General**

- 2.1 South Cambridgeshire District council has not set a limit for the number of Hackney Carriage vehicles it will license. There is no provision for the council to limit the number of Private Hire vehicles it licenses.
- 2.2 The maximum duration of a vehicle licence is one year, and there is no age limit to the number of times the licence can be renewed providing it meets the criteria of the vehicle application process and conditions of licensing for vehicles – APPENDIX B.
- 2.3 If a renewal application has not been received at the end of the vehicle's licensed period, the vehicle cannot be used for hire and reward purposes. Any vehicle which has not renewed within the expiry of the licence, will be classed as unlicensed, and will be required to apply as a new vehicle and meet the required age and specification criteria for a new vehicle – APPENDIX B.
- 2.4 It is the responsibility of the vehicle owner to ensure that renewal applications, paperwork and mechanical tests are carried out in a timely manner to avoid the vehicle becoming unlicensed.
- 2.5 Once a vehicle is licensed as either a Private Hire vehicle or a Hackney Carriage vehicle it remains a licensed vehicle until it is delicensed. **This means that these vehicles can only be driven by licensed drivers.**

- 2.6 Therefore partners of licensed drivers, who are not also licensed drivers themselves, are not permitted to drive licensed vehicles, even when the vehicle is considered 'off duty'. Any insurance policy which provides insurance for a licensed vehicle to an unlicensed person may be made void by the insurer (Oldham v Saijad) and may also be invalid if the insured is knowingly breaking the law by driving the vehicle.
- 2.7 Vehicles which accommodate more than 8 passengers cannot be licensed as a Hackney Carriage or Private Hire vehicle.
- 2.8 The council has set conditions applicable to the vehicle requirements, internal and external specifications, of the vehicles it will license. These can be found in APPENDIX B for Private Hire vehicles and Hackney Carriage vehicles. There is a separate set of conditions applicable for Limousine and speciality vehicles, licensed as private hire vehicles, which can be found at the end of APPENDIX B
- 2.9 The council has set these conditions as the minimum standards to ensure that the public travel in safe, comfortable and roadworthy vehicles. All vehicles must also conform to the type approval and construction and use regulations.
- 2.10 Whilst each application will be determined on its own merits, it is unlikely that the council would license a vehicle which did not meet the licensing standards and specifications. Where a vehicle proprietor wishes to license a vehicle which does not meet the specifications and standards, they are advised that an application would be refused and they would then have a right of appeal either with the Licensing sub-committee or at a Magistrates court.
- 2.11 All expired plates must be returned to the council.
- 2.12 All licensed vehicles must comply with the requirements of the Health Act 2006 and display no smoking signs. Drivers are reminded that it is against the law to smoke or allow someone to smoke in a licensed vehicle at any time. For the avoidance of doubt, the council also forbids the smoking of electronic cigarettes and vaping, whether by the driver or passengers.

### **Appearance**

- 2.13 Vehicles must be safe, comfortable, the passenger compartments must be clean and dry including upholstery, without rips or tears or sharp protrusions. Proprietors, drivers and operators must ensure that the vehicles they utilise, meet the expectations of this council and the travelling public.
- 2.14 The exterior of the vehicle must be reasonably clean to ensure that passengers can board and alight the vehicle without getting soiled. Drivers are also reminded to ensure that the licence plate and registration plate remain clean and visible.
- 2.15 Any vehicle damage that materially affects the safety, performance, appearance, or the comfort of the passenger must not be used for hire and reward purposes, until the vehicle has been suitably repaired.
- 2.16 All licensed vehicles must display the licence plate on the outside at the rear of the vehicle, unless it is a private hire vehicle and has applied for and obtained an exemption plate certificate.
- 2.17 The licence plate must be securely fixed to the bracket which should be bolted or screwed to the outside rear of the vehicle, in such a manner that the plate is not obscured from view by fixtures or fittings, and the plate does not obscure the vehicle registration plate. The plate must also be able to be easily removed by an authorised council officer or police officer: magnetic fittings are not allowed.
- 2.18 The council will not permit any advertising which it considers inappropriate, therefore all advertising, (except for the operator name and telephone number), on or in vehicles must be approved prior to being placed on or in the vehicle.
- 2.19 Private Hire vehicles must affix on the rear external passenger doors in a prominent location, door signage. This signage must state 'Private Hire vehicle – must be pre-booked with operator'.

## **Vehicle age and Livery policy**

- 2.20 The council must ensure that the travelling public are aware of the type of vehicle they are using. Any vehicle licensed by the council as a Hackney Carriage can only be white in colour, and must have the council emblem on the bonnet APPENDIX B (6i). This will help distinguish Hackney Carriage when travelling into Cambridge City and help to make it harder for driver and vehicle to “ply for hire” in an area where they are not licensed to do so.
- 2.21 All Hackney Carriage vehicles must be Wheelchair Accessible Vehicles (WAV's). New vehicles will need to comply with this immediately, and for those vehicles currently licensed as a Hackney Carriage they will have 3 years to comply. Failure to do so will result in the vehicle being de-licensed.
- 2.22 The age restrictions on when a vehicle is first granted a licence are set out in the boxes below. There is no upper age limit for when we would no longer license a vehicle as long as the vehicle has met the criteria set out within the vehicle licence application and conditions.

	<b>Hackney Carriage</b>	<b>Private Hire</b>
Maximum age for Hybrid/ Electric/ultra low emission vehicles as defined by Gov.uk	<b>5yrs old</b>	<b>5yrs old</b>
Maximum age for other vehicles	4 years old	4 years old
Maximum age for Exempt Executive (Non electric/Hybrid vehicles	N/A	6 years old

## **Insurance**

- 2.23 It is the responsibility of proprietors, operators and drivers to ensure that they are properly insured at all times. Insurance provided by operators to cover their fleet and drivers is usually only valid when drivers are driving for that company. If drivers work for multiple operators, all parties must ensure that appropriate and valid insurance is in place to avoid an inadvertent criminal offence.
- 2.24 Applications for a new or renewal of a vehicle licence will require submission of proof of valid insurance which covers the vehicle and driver for hire and reward purposes. The vehicle proprietor and the driver must ensure that valid insurance is maintained at all times. It is considered best practice for proprietors and or drivers to keep copies of expired insurance policies for a reasonable period of time in case of any retrospective claims i.e. 3 months minimum. An original insurance certificate must be provided with an application, or if an electronic version, it must be supplied by the insurance company to [licensing@scamb.gov.uk](mailto:licensing@scamb.gov.uk)

## **Safety equipment**

- 2.25 All licensed vehicles must have a suitable first aid kit containing appropriate first aid dressings and appliances. This equipment must be in date and carried in such a position in the vehicle as to be readily available and visible for immediate use in an emergency. This item must be clearly marked with the licence plate number

## **CCTV in licensed vehicles**

- 2.26 The installation of CCTV in licensed vehicles can be both a deterrent to would-be trouble makers and a source of evidence in the case of disputes between drivers and passengers, other incidents and accidents. If fitted correctly, it can assist the police and insurance companies with their investigations and must be recording at all times when working as a licensed vehicle.
- 2.27 Drivers, proprietors and operators must notify the council prior to installation. They must be registered with the ICO (Information Commissioners Office) if required and comply with all aspects

of data protection and CCTV codes of practice, including clear signage that the vehicle uses CCTV. Further information can be found on the following link <https://ico.org.uk/>

- 2.28 CCTV must be professionally installed to ensure no interference with other equipment, in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers, or affect any other safety system or in any way breach the motor vehicle construction and use regulations. It must be regularly checked and maintained, be clearly visible and the vehicle must display the required signage.
- 2.29 CCTV must not be used to record conversations of the travelling public. Sound must only be used by way of a panic switch as specified by ICO regulation and can be activated by either the driver or passenger which can be used in extreme circumstances such as in response to a threat of physical violence. The footage may only be accessed by the Police or authorised officer of the council, not by either the proprietor or driver. Footage must be kept for not less than 28 days.
- 2.30 All Hackney Carriage and Private Hire vehicles not subject to a plate exemption permission must be fitted with an approved CCTV system no later than 31 March 2020

### **Vehicle testing**

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

### **Accidents**

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

### **Taximeters**

- 2.38 All Hackney Carriages licensed by this authority are required to have a working taximeter fitted in the vehicle; some Private Hire vehicles are also fitted with a taximeter. Where a taximeter is fitted, it must be calendar controlled, must not be set at a higher fare than the current maximum fare as agreed by the council. The taximeter must be sealed.

- 2.39 Where a journey starts and finishes within the South Cambridgeshire district, if a vehicle is fitted with a taximeter, it must be used when conveying passengers, the fare demanded cannot be more than that shown on the taximeter. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged.

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

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

Where the vehicle is changed, this will be treated as a new application.

### **Accessibility of vehicles**

- 2.41 The aim of the council is an accessible public transport system where people with disabilities have the same opportunities to travel as other members of society. The council expects that proprietors, drivers and operators give full consideration to ensure they provide a service to all members of society without discrimination. The council will keep a register to record all wheelchair accessible vehicles (WAV).
- 2.42 The council is committed to social inclusion and ensuring a wide variety of opportunity is available to all residents to enjoy a high quality of life. It is recognised that making door to door journeys easily and on-demand is crucial to social inclusion for disabled people.
- 2.43 All Hackney Carriages licensed by this council must be wheelchair accessible vehicles (WAV). This is to ensure that disabled people are able to hire the vehicle on the spot with the minimum delay or inconvenience.
- 2.44 All licensed vehicles must convey assistance dogs for no additional charge. It is a breach of the Equality Act to refuse to carry an assistance dog, unless the driver has applied for, and been issued with an exemption certificate.
- 2.45 The council encourages all Private Hire operators to include wheelchair accessible vehicles amongst their fleet and to ensure that no additional costs are levied by them or their drivers, for conveying disabled passengers or assistance dogs.
- 2.46 Private Hire vehicles fitted with a tail lift for wheelchairs, must provide a valid LOLER (Lifting Operations Lifting Equipment Regulations) certificate of compliance to prove that the tail lift has been tested and checked to the required standards. It must be retested every six months as per HSE (Health and Safety Executive) requirements.
- 2.47. When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers, the vehicle must have all modifications and adaptations (including all seats, seat belts and anchorages), retested or approved to meet either European Whole Type Approval or the UK Low Volume Type Approval (ESVA or IVA) that meets the required standard. Prior to the first licensing of the vehicle, the proprietor and/or driver must produce certification that the vehicle meets the required standards.

### **Funeral and wedding vehicles**

- 2.48 There is no requirement for a vehicle to be licensed as a private hire vehicle if it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.
- 2.49 There is no requirement for a vehicle to be licensed as a private hire while it is being used in connection with a wedding.

### **Speciality Vehicles and Limousines**

- 2.50 Limousine and speciality vehicles are generally used for special occasions such as anniversaries, stag and hen parties, prom nights, etc. and may be vintage, specialist, or stretched vehicles.
- 2.51 Limousine and speciality vehicles used for the purpose of hire and reward are required to be licensed as private hire vehicles, with a seating capacity for 8 passengers or less, and all bookings must be made via a licensed operator.
- 2.52 These are specialist types of vehicles with their own set of conditions, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then these specialist conditions shall prevail. The conditions can be found at the end of APPENDIX B.
- 2.53 The council strongly recommends that anyone wishing to purchase and license a speciality vehicle or limousine, contacts the licensing team prior to purchase, to ensure that the vehicle will meet the conditions applied. Each application will be determined on its own merits.

### **Private Hire exemption licence**

- 2.54 The council recognises that there is a specialist market for the use of unmarked hire and reward vehicles. For example, executives who wish to give the appearance of using a chauffeur driven car, or who wish an unmarked vehicle for security reasons. Such customers will expect these vehicles to be prestige high specification vehicles and will also expect the driver to be smartly dressed either as a chauffeur or in a business suit with collared shirt and tie.
- 2.55 The ability to exempt a vehicle from displaying the licence plate only applies to Private Hire vehicles, it does not extend to hackney carriages which must display their plates at all times.
- 2.56 Prestige high specification Private Hire vehicles which carry out contract work such as executive bookings etc. may apply for an exemption licence, which exempts that vehicle from the requirement to display the standard licence plate and door signage. It also exempts the driver from wearing his badge; however the driver must carry his badge with him so that it is immediately available. The vehicle will be issued with a licence plate, which must be kept within the vehicle at all times, along with a small identification disc to be displayed on the front nearside windscreen.
- 2.57 It is expected that vehicles which have been issued with an exemption certificate primarily undertake executive chauffeur work and are not normally used for general daily private hire work. Exempted vehicles found to be carrying out extensive standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.
- 2.58 Exempted vehicles must not display any advertisements, signage, logos, or insignias advertising the operating company inside or outside the vehicle.
- 2.59 Operators and proprietors who wish to apply for an exemption certificate must complete the application form, pay the required fee and provide sufficient supporting documentation to establish that the vehicle will be solely used for executive bookings.
- 2.60 There are extra conditions applicable to exempted vehicles, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these extra conditions, then these extra conditions shall prevail. The extra conditions can be found at APPENDIX D.
- 2.61 If an exemption certificate has been issued and the vehicle will no longer be utilised solely for executive type bookings, the exemption plate and certificate must be surrendered and returned to the council. If the vehicle is still licensed, it must then display the plate and door stickers as required by the conditions for private hire vehicles. There will be a fee for the replacement plate and door stickers.

## **Required information for passengers**

2.62 Members of the public who have cause for concern, or who wish to complain about a journey in a licensed vehicle, will need some information about the driver or vehicle they used in order to progress their complaint or report their concern.

Exempt vehicles do not display a licence plate and therefore it may be difficult for members of the public to obtain information prior to getting into a licensed vehicle. If they have a problematic journey, they may attempt to get the information, but this can be difficult if it is late at night or the vehicle drives away quickly.

2.63 Whilst licensed drivers are required to wear their licence badge, which contains their information, a passenger may feel it too confrontational to request to see the driver's badge, especially if they have had a difficult journey.

In order to protect the public and to allow customers to correctly identify and report either a driver or a vehicle which caused concern, the council has determined that certain information must be displayed inside all licensed vehicles, in the form of an Internal Vehicle Notice.

2.64 There must be a clear mechanism in place that informs any passenger of :-

- The business name of the operator, or proprietor if it is a Hackney Carriage;
- The contact details where a customer can make a complaint or report a concern;
- The vehicle registration number; and
- The vehicle licence plate number;

This can be by way of digital technology sent to the customer prior to the booking, or an Internal Vehicle Notice containing the information and displayed in a conspicuous place which can be easily read by a passenger travelling in the rear or front of the vehicle.

## **SECTION 3**

### **3. General provisions for Hackney Carriage and Private Hire drivers**

#### **Drivers general**

3.1 The council can only license drivers that it considers are 'fit and proper' to hold a licence, and that the applicant is not disqualified by reason of their immigration status. 'Fit and proper' is given its widest interpretation and includes physical fitness, character, behaviour etc.

3.2 Therefore the council will require applicants and licence holders to undertake several checks and tests to establish their suitability to be considered 'fit and proper' to either be, or remain licensed.

3.3 Applicants and existing licence holders are required to share information held about them by various bodies, such as DVLA, the police, medical information, right to work, immigration status, etc. The council can request any information it deems may be relevant to determine their fit and proper status. This may include checking a driver's prior history with this or any other council, using intelligence from the police or any other regulatory authority as appears relevant.

3.4 In order to be eligible to apply to be a licensed driver, an applicant must have held a valid full driving licence for a minimum of 12 months. Therefore the minimum age a person could be eligible to apply is 18 years old. There is no maximum age, so long as the applicant still meets the full criteria.

3.5 In order to be a licensed driver a new applicant must first complete and pass the Private Hire or Hackney Carriage Knowledge Test.(see S.3.20) Once this has been successfully carried out they may submit a signed completed application form and fee, provide proof of right to work in the UK, provide a satisfactory DBS, DVLA and group 2 medical report, provide one recent full facial passport type photo, and provide a pass certificate from the DVSA driving assessment test which is dated less than 12 months old at the time of the application.

3.6 Existing drivers may be required to undertake the Knowledge Test should complaints be upheld that relate to knowledge of the area, or other matters covered within the test including, Licensing conditions, arithmetic, understanding of English.

- 3.7 Driver licences are generally issued for a three year duration. They may be issued for a lesser period if appropriate, e.g. the applicant's right to work is of a shorter or limited duration. They may also be renewed. However, if a licensed driver fails to renew before the expiry of the licence, they will be required to apply as a new driver and meet all the requirements.
- 3.8 It is the responsibility of the driver to ensure they apply for their renewal with all relevant supporting original documentation in good time, with a recommendation that the submission is not less than six weeks before expiry.
- 3.9 It is important that drivers notify the council of any significant changes which occur after their licence has been granted. Such as:
- a. Change of name, address, email address or telephone number. Email address is strongly encouraged. Where provided, renewals will be sent out electronically. Anyone requiring a paper copy must obtain it from reception.
  - b. Change of immigration status.
  - c. Changes in their health which may affect their driving ability.
  - d. All convictions, cautions, reprimands, warnings and DVLA penalty points currently shown on the licence.
  - e. Any other matter which may bring in to question their fit and proper status.
- 3.10 All licensed drivers are required to prominently display their driver's badge whilst working as a licensed driver unless an exemption is granted by the Licensing Authority. Failure to comply is an offence under the 1976 Act and local byelaws. Drivers are reminded that the driver's badge remains the property of South Cambridgeshire District Council; all expired and surrendered badges must be returned to the council.
- 3.11 This council issues two types of licences for drivers, a hackney carriage driver licence and a private hire driver licence. These are two separate licences and therefore if any person wishes to hold both a Hackney Carriage and Private Hire driver licences they are required to submit two separate applications.

### **Suitability of driver**

- 3.12 Licensed drivers will come into contact with vulnerable people, drivers are expected to assist passengers with luggage, shopping etc., they will be driving for prolonged periods of time, and will have access to sensitive information therefore the council must fully assess an applicant's suitability prior to and after issuing a licence.
- 3.13 Consideration of suitability includes character and patterns of behaviour and is not limited to incidents which occur whilst the driver is 'on duty'. Conduct or behaviour which may indicate that the safety and welfare of the public may be at risk will also be taken into account when assessing their fit and proper status. The onus is on the applicant or licensed driver to satisfy the council that they are and remain 'fit and proper'.
- 3.14 The council requires applicants to fulfil certain criteria to ensure that the public are protected and drivers are able to provide the service which is expected of them.
- 3.15 Applicants will be required to undertake and provide an Enhanced DBS (Disclosure and Barring Service) check and a medical health check to the DVLA group 2 standard as a minimum, and share information held by DVLA, upon new and renewal applications. Additional information may be sought as part of the process if considered appropriate in individual circumstances.
- 3.16 Applicants for both new licences and renewals, who fail to report or declare an offence, or other relevant matters, will bring in to question their suitability to hold a licence. This deliberately prevents the authority from taking into account that information in protecting public safety. It also shows a

blatant breach of conditions and will go toward consideration of suitability and their fit and proper status.

### **Application process**

- 3.17 Applicants must fully complete an application and provide the relevant fee and paperwork required. Where supporting documentation is required to be submitted, only the original document will be accepted, no photocopies or photographs of the original are allowed. Applicants who deliberately fail to declare or who make false statements on the application form or during the application process, will be refused a licence and may be subject to legal action if it constitutes fraud.
- 3.18 Applicants must be able to prove their immigration status and that they have a right to work in the UK.
- 3.19 New applicants must submit with their application, a pass certificate for the driving test taken with one of our DVSA approved providers.
- 3.20 New applicants must complete and pass the Taxi Knowledge Test before they can submit either a Hackney Carriage driver or Private Hire driver application. There is a separate fee for this.
- 3.21 Applicants are required to produce an original Enhanced DBS certificate for the application to be considered. The certificate should be dated within one month from issue at the time of submission. An online application for an Enhanced DBS check can be carried out at any officially recognised body at the applicant's expense.
- 3.22 Applicants should be aware that we will not allow any member of staff to be subjected to threatening, abusive, intimidating or violent behaviour either directly, by telephone or other methods of communication. In any of these circumstances staff members have the right to refuse to process the application. Under legislation anyone issued with a Hackney Carriage or Private Hire driving licence, operator or vehicle licence must be classed as "Fit and proper". Any person exhibiting any of the above behaviour will have the application refused or licence revoked.

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

- 3.23 In considering fit and proper, the council will take into consideration any prior convictions and cautions. Therefore, all applicants for new and renewals are required to undertake and submit an Enhanced DBS check. This check will detail all criminal convictions and cautions including those that are spent, and other relevant matters which may be held by the police about them. It does not prove an applicant's right to work.
- 3.24 It is important that the council remains updated about relevant convictions after any licence has been granted. Therefore as per guidelines set out by the LGA, all drivers must register for the DBS Update Service to allow the Council to receive updates. If not already registered for the service, an applicant will only be able to do so when the DBS certificate has been issued. This will then enable the council to use the DBS Update Service, Multiple Status Check Facility, see APPENDIX H.
- 3.25 **Due to the type of work performed by licensed drivers, they do not fall under the Rehabilitation of Offenders Act. This means that what would be considered as spent, under the Rehabilitation of Offenders Act, is still taken into consideration when determining applications for licensed drivers.**
- 3.26 Where convictions, cautions, reprimands or warnings appear on a DBS, it is not the place of the council to go behind the existence or reason of that conviction. Whilst mitigating circumstances may have applied at the time of the conviction, the council cannot re-try the conviction. Depending on the offence committed, applicants may be able to demonstrate that it was a 'one off'; they acted out of character, so are unlikely to be repeated. Each application will be determined on its own merits.
- 3.27 Applicants who have not resided continuously in the UK for five years will be required to submit a Statement / Certificate of Good Conduct, authenticated by the relevant embassy of the country of residence, in addition to the Enhanced DBS certificate. This must be translated into English at the

applicant's expense. The Statement / Certificate of Good Conduct, must be no more than 3 months old at the time of submission.

- 3.28 The existence of a criminal conviction, caution, reprimand or warning does not necessarily preclude an applicant from obtaining a driver's licence. Conversely, the absence of any convictions or cautions does not mean that an applicant will be licensed. Each application will be determined on its own merits.
- 3.29 Further information is contained in the guidelines relating to the relevance of convictions, cautions, reprimands or warnings in relation to taxi licensing attached at APPENDIX E
- 3.30 Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensed driver even before a conviction if there is a "Pressing social need". This ensures that where there is a public protection risk, the police will pass information onto a regulatory body to allow immediate action to mitigate any serious safeguarding risk. The CLPD replaces the Notifiable Occupation scheme which was withdrawn in March 2015.
- 3.31 Licensed drivers must notify the licensing department of any cautions, convictions, immigration offences, or other relevant matters, including road traffic offences such as speeding, which occur during or after the licence has been issued.
- 3.32 If it comes to the attention of the council that a licensed driver has failed to notify the council of relevant matters which occur during or after the licence has been issued, it will be taken particularly seriously. It shows a propensity towards dishonesty and questions the fit and proper status of the licence holder.

### **DVLA**

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

### **Medical Requirements**

- 3.36 It is essential that licensed drivers are in good health as they are expected to carry passengers' luggage, will drive on the road for longer periods than most car drivers, and may need to assist disabled passengers. The council must be satisfied that the drivers it licenses are sufficiently fit to undertake the tasks expected of them.
- 3.37 Being a licensed driver is a demanding role, safe driving requires the involvement of vision, hearing, attention, concentration, perception, good reaction time, judgement, coordination, muscle power and control etc. Therefore various body systems need to be functional for safe driving.
- 3.38 Due to the length of time an occupational driver (hackney carriage and private hire) spends at the wheel, it is appropriate to have more stringent medical checks and standards than those applicable to non-professional drivers.
- 3.39 The DVLA, The Royal Society of Medicine and the DfT recommend and consider it best practice for licensed drivers (hackney carriage and private hire) to be subject to the DVLA group 2 medical requirements. The DVLA group 2 medical is a recognised national standard developed by DVLA for bus and lorry drivers.

- 3.40 To ensure that public safety is protected, the council has chosen to adopt this best practice and to require all applicants to obtain and submit a group 2 medical report with their application for new licences and renewals.
- 3.41 Therefore applicants are required to undergo a medical examination by a registered general practitioner and submit the doctor's group 2 medical report with their application, to enable the council to consider their fitness to hold a licence.
- 3.42 The group 2 medical assessment must be completed by a doctor registered and licensed to practice in the UK or registered within the EU.
- 3.43 A group 2 medical report must be submitted with all new applications and every three years upon renewal and then annually when the applicant reaches 65 years . Applicants must pay any fees to the registered medical practitioner for completing the medical and report. The medical assessment must be no older than three months at the time of submission with the relevant application.
- 3.44 Applicants must arrange and book these appointments themselves and provide photographic proof of identity to the registered medical practitioner. If the registered practitioner is unable to complete the vision assessment section of the medical, the applicant must arrange for an optician or optometrist to complete this part.
- 3.45 Licensed drivers must notify the council and their medical practitioner of any deterioration in their health which may affect their ability to drive or complete their tasks as a licensed driver. The council expects licensed drivers to be responsible and not continue driving following any deterioration in their health, or any health problems which could endanger the lives of the general public.
- 3.46 If a licensed driver is involved in an accident in which s/he is injured, they must ensure that they are fit prior to returning to hire and reward work; this is for the safety of the driver and the general public. All accidents, however minor, must be reported to us using the accident report form. Drivers who have suffered whiplash must ensure that they have sufficient movement in the neck area to enable them to observe any potential hazards. If the council has any doubts about a driver's health and fitness after an accident we will require the driver to submit a signed and stamped medical assessment form. Failure to do so could result in the suspension of the licence.

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

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

### **Service Expectations**

- 3.51 The council and the travelling public expect licensed drivers to provide good customer service and behave in a civil and courteous manner. They are expected to be clean and smart in their appearance. The vehicle must also be clean, presentable and roadworthy. They are expected to provide reasonable assistance with luggage or shopping and provide a receipt if requested. Arrive at the appointed time and not prolong any journey. As professional occupational drivers, they are expected to drive with consideration to other road users and weather conditions.
- 3.52 Drivers must be aware of and comply with the conditions applied by this council and other appropriate legislation. Drivers who fail to observe these requirements may be subject to

enforcement action which could lead to suspension or revocation of the licence. Licensed driver conditions are shown at APPENDIX A.

- 3.53 In addition to primary legislation, Hackney Carriage drivers are also conditioned by way of Byelaws which are attached at APPENDIX F.
- 3.53 Drivers must not operate any equipment which may distract them whilst driving. Drivers must not cause annoyance to passengers during the journey by playing music without the consent of the passenger/ hirer, or constantly talking on a hands free mobile phone.
- 3.54 Drivers must be aware of their obligations under the Equality Act to provide a service and assistance to passengers with mobility problems, disabilities and to take assistance dogs, without extra charge.
- 3.55 Drivers who refuse or fail to take assistance dogs without an exemption certificate may be prosecuted by the passenger and may also be subject to enforcement action by the council including suspension or revocation of the licence.
- 3.56 This council condemns discriminatory behaviour which is harassing, racist, religiously motivated, homophobic, sexist, or in any way offensive to disability or gender. Complaints of this nature are taken particularly seriously. The council does not have any power over passengers who use licensed vehicles, but will give support to the trade where possible. Drivers who experience any of the above behaviour should report it to the police.

#### **Assistance Dog Exemption certificate**

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

#### **Idling offence environmental impact**

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

#### **Monitoring of Licensed Drivers – Penalty Points Enforcement System**

- 3.60 In the interests of public safety, the council has a duty to ensure that licensed drivers remain fit and proper and will intervene where appropriate. Complaints made to the council are recorded and monitored.
- 3.61 Where serious complaints bring in to question a driver's fit and proper status are received they are investigated and appropriate action is taken. Less serious complaints and minor infringements are not investigated to the same degree, but the accumulation of several complaints and infringements about the same driver could highlight that there is a cause for concern and will not go unnoticed. It could highlight a training need, a lack of understanding of conditions or legislation, or a failure to provide good customer care.
- 3.62 In the interests of clarity, the council has determined to introduce a Penalty Point Enforcement System that assesses the severity of a complaint, the accumulation of complaints, and the timeframes in which they are received. This does not mean that sanctions or enforcement action will automatically be applied. Each incident, complaint, breach or infringement against a driver will be considered on the individual circumstances of each case and as an accumulation.
- 3.63 When making enforcement decisions, Authorised Officers will take the Penalty Point Enforcement System into account. Any departure from this must be fully considered, exceptional, capable of

justification and must be endorsed by the Head of Service, Environmental Health & Licensing or other officer as is consistent with the Council Constitution before the decision is implemented.

## **SECTION 4**

### **4 Operators**

#### **General**

- 4.1 The legislation requires any person, who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle, must be licensed as a Private Hire operator.
- 4.2 Any individual, partnership, company or other body that advertises the services of a private hire vehicle, provided with a driver, for hire and reward, is required to be licensed as an operator.
- 4.3 The acceptance of bookings may be provided for by a variety of methods, such as, in person, by telephone, text, email, internet, smart phone app, in writing, or by any other communication means.
- 4.4 The legislation requires the authority to only license operator's who are considered to be fit and proper to hold an operator's licence and who are not disqualified by reason of their immigration status.
- 4.5 All work undertaken by Private Hire vehicles (and drivers), must be pre-booked via a licensed operator. All three licences (private hire vehicle, private hire driver and operator) must be issued by the same local authority.
- 4.6 Operators can only utilise drivers and vehicles that are correctly licensed. Operators, who fail to ensure that the drivers and vehicles they utilise have valid licences, are guilty of an offence and will be subject to enforcement action.
- 4.7 An operator's licence is usually granted for a five year duration, but may be granted for a lesser duration if requested to do so in writing or if the applicant's immigration status limits it to a shorter duration.
- 4.8 There is no provision within the legislation to transfer an operator's licence. New applicants must be subject to the fit and proper test and new premises must also be assessed for suitability.
- 4.9 An operator's licence cannot be issued to persons who do not have the right to work in the UK. A licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies, the person must immediately cease to operate and return their operator's licence to the council within 7 days.
- 4.10 Licensed operators may accept bookings and may subcontract these bookings, but only to another licensed operator. However, the operator who accepted the initial booking remains responsible for that booking.
- 4.11 Operators are required by law to keep a record of bookings and records relating to each and every vehicle operated by the operator. Records of bookings must be made before the commencement of the journey. All such records must be made available to an authorised officer for inspection. Further information can be found in the Operators' conditions at APPENDIX C

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

- 4.12 Operators are generally the owners of the private hire business. They have access to private information, are responsible for ensuring they only utilise properly licensed, insured and safe vehicles and drivers. Therefore the council is required to ensure that they are also fit and proper.
- 4.13 The council requires applicants to complete the application and submit it with the appropriate fee, with supporting documentation, which will be used to establish that they are fit and proper to hold an

operator's licence. The supporting documents must be the originals, not photocopies or photographs.

- 4.14 Operators who are not also licensed drivers are required to submit a basic DBS disclosure. The basic disclosure will list any current convictions and cautions, but nothing which is considered spent under the Rehabilitation of Offenders Act. The reason is that operators do not necessarily have close contact with vulnerable persons, but do have access to personal information.
- 4.15 Applicants for operator's licences are required to provide details of their name and address. The address where they intend to operate the business, any trade or business activities s/he has carried on before making the application, any prior applications made for an operator's licence, if any prior operator's licence has been suspended or revoked, details of any convictions. This includes any convictions where applicants or those associated in running the business have been convicted of any offences. This is to ensure that those involved in the operation of the business are fit and proper to operate a business.
- 4.16 Applicants who intend to operate a radio system will be required to provide proof of their licence from Ofcom. This licence was previously issued by the Department of Trade and Industry but changed to Ofcom in 2003.
- 4.17 The council will not grant a licence to an operator whose premises are located outside our area. This is to ensure that proper regulation and enforcement measures may be taken by the council and is in no way intended to be a restraint of trade. For those with Operator licences issued before 1 October 2017 the premises are permitted to be up to 10 miles outside the district boundary.

#### **Suitability of premises**

- 4.18 When considering an application for an operator's licence at new premises, consideration will be given to the location, the vicinity, facilities, and parking arrangements. Applicants should ensure that they obtain any necessary planning consents relating to the use of the premises in connection with the operation of the business. However, this would be enforced by the planning department.
- 4.19 Where planning permission is required, operators must comply with any condition attached to such permission. Whilst any breach of planning legislation will be enforced by the planning department, it may also be used in consideration of an operator's fit and proper status.
- 4.20 If the property is a Council or, Housing Association property or rented privately, any applicants should seek written permission from the landlord to operate a private hire business from the premises.

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

- 4.21 Operators are responsible for keeping accurate records of bookings and retaining them for a period of not less than six months. These records must detail required information about each booking taken and fulfilled by the operator. Further information is contained within the operator's conditions attached at APPENDIX C.
- 4.22 If an operator subcontracts a booking to another licensed operator, both operators must keep a record of the booking. The operator who accepted the initial booking remains fully responsible for that journey even though it has been subcontracted to another licensed operator. The initial operator must record what checks they made to ensure that the operator they passed the booking onto is correctly licensed.
- 4.23 Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licenses the operator and driven by a driver also licensed by that same authority.
- 4.24 It is not expected that subcontracting of bookings would be common place. Customers who book through a South Cambs operator would expect a vehicle and driver also licensed by this authority. The conditions and standards applied by this authority may be of a higher standard than some other

local authorities, as such the subcontracted vehicle and driver may not meet the customer's expectations.

- 4.25 The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross border hiring. The legislation permits these bookings and the council cannot get involved in these private hire contracts. Operators should aspire to ensure that their drivers and vehicles provide the highest standard of service, so that they are the operator of choice.
- 4.26 Operators need to be aware of their obligations when it comes to data protection. Where data bases containing personal information, such as records of bookings are maintained electronically or if they have CCTV, they are required to be registered with the Information Commissioners Office (ICO). Further information including a self-assessment, can be found on the following links;  
<https://ico.org.uk/for-organisations/register/>  
<https://ico.org.uk/for-organisations/register/self-assessment/>  
<https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>
- 4.27 Operators must ensure they have all the correct insurances in place for the vehicles and drivers they utilise. Those who provide a waiting area for clients must ensure that they have valid public liability insurance.
- 4.28 Operators must make customers fully aware of any additional charges which may be applied, e.g. for waiting time and for cleaning a soiled vehicle. These additional charges must be clearly displayed in the operator's office and on their website, if they have one.
- 4.29 Operators are responsible for ensuring that the vehicles utilised are clean, fit for the purpose of the booking and comply with the conditions applied by this council. It is expected that operators have a planned maintenance programme in place for all vehicles it utilises. The testing requirements applied by this council are to confirm a level of safety and quality, rather than to highlight what maintenance needs to be carried out.
- 4.30 The council encourages all Private Hire operators to include wheelchair accessible vehicles amongst their fleet. They must ensure that no additional costs or charges are levied by them or their drivers for conveying disabled passengers or assistance dogs.
- 4.31 Operators and/or proprietors who provide Wheelchair Accessible Vehicles must ensure that the driver is appropriately trained to load, unload and convey passengers in a safe and secure manner. This training,, if not part of the original licensing requirements, must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.
- 4.32 Operators must ensure that the drivers they utilise are fit and proper to carry out the bookings and are appropriately trained for their role. Operators should be able to demonstrate how they will achieve this by way of a policy to include any training (or checks) provided by the operator, customer service company policies and practices, including disability awareness.
- 4.33 Operators must be aware of their obligations under the Immigration Act and only utilise persons who have the right to work in the UK. Failure to observe this requirement or to provide due diligence checks may be subject to enforcement action by the relevant Home Office department.

### **Complaint Policy**

- 4.34 As responsible business owners, operators will understand that the drivers and vehicles they utilise represent their business when undertaking bookings. Operators will want to ensure good customer service, as this builds a respected reputation, resulting in repeat bookings and a successful business. Where vehicles or drivers fail to provide a good service, the operator's business can suffer.
- 4.35 Whilst a vast majority of bookings take place without problem, there are occasions where a customer has cause for concern or complaint. Aggrieved customers have a right to complain if the

service provided fails to meet expectations. It is also right for responsible operators to attempt to find an amicable resolution to the complaint, without any unnecessary regulatory burden or intervention.

- 4.36 Complainants must be dealt with in a respectful timely manner in an open and transparent way. To ensure this is achieved, operators are required to have a formal complaints policy and procedure which is made freely available to all customers, and to maintain records of complaints received.
- 4.37 A copy of the complaints policy and procedure must be given to the council and will be required with all new and renewal applications.
- 4.38 The complaint records must detail specific information, be monitored, and be made available to authorised officers upon request.
- 4.39 The specified information to be recorded must include the following information as a minimum:
- The name of the complainant and how they can be contacted,
  - The date the complaint was made and the time and date of the journey,
  - If the booking was subcontracted, the details of the licensed operator who fulfilled the booking and any action taken by the subcontractor regarding the complaint or concern
  - The name of the driver and vehicle being reported,
  - The nature of the complaint or concern,
  - The date by which the proprietor will respond to the complaint, which must not exceed 72 hours from time of receipt,
  - The action taken, if any, by the operator to resolve the complaint or concern.
- 4.40 Operators must also inform the complainant, that they can further their complaint to the council if they remain dissatisfied with the outcome of their complaint.
- 4.41 If an operator is made aware of any information or complaint reflected in the guidance to relevant convictions (excluding offences in annexe B) they must notify the licensing department immediately and provide details of the actions taken by the operator.
- 4.42 Operators and proprietors must ensure that persons hiring a vehicle are aware of a complaints policy either by digital notification given before the commencement of the hiring or by way of a notice in the vehicle (See section 2.64 for further information)

## **SECTION 5**

### **5. Safeguarding**

- 5.1 Safeguarding includes children, young people, vulnerable adults and includes activities such as (but not exhaustively) modern day slavery, grooming, sexual exploitation of adults or children, domestic violence.
- 5.2 Safety, security and welfare apply to passengers and licensed drivers. Licensed drivers deal with strangers, they work alone often late at night, carry cash and may be at risk of violence, non-payment of fares, verbal abuse etc. Proprietors and operators must consider these factors when determining what safeguarding measures should be in place. The use of CCTV in licensed vehicles is a condition of licence and must be fitted no later than 31 March 2020.
- 5.3 Child Sexual Exploitation (CSE) is a form of child abuse. It can involve sexual abuse, physical abuse, and emotional abuse of children by adults. Licensed drivers, proprietors and operators provide a public service and have a duty of care to all passengers. They also have a moral and social responsibility to report concerns about someone who is vulnerable. Should a licensed driver, proprietor or operator have any concerns about the vulnerability of a child or public safeguarding they must report this immediately as it may prevent the vulnerable child from becoming a victim. Reports of imminent danger should be made to the police on 999. Where there is no immediate danger, or you wish to pass on some information or intelligence please call 101.
- 5.4 All drivers will be required to take part in a safeguarding course as set out by the council in order to obtain a recognised certification.

## **SECTION 6**

### **6. Enforcement**

- 6.1 The council has a responsibility to ensure that all licence holders adhere to the standards and conditions applied by this authority and the legislation.
- 6.2 As all licence holders are considered to be 'fit and proper', they are expected to fully understand the conditions and requirements placed on them by this authority and other applicable legislation.
- 6.3 The council will take comprehensive and appropriate action against licence holders upon receipt of evidence that an offence has been committed. An offence may be a breach of the legislation or condition imposed on a licence, or byelaw, or this policy.
- 6.4 Offences under legislation outside that applicable to private hire and hackney carriages may be considered, if they call into question the fit and proper status of the licence holder.
- 6.5 The council will undertake overt and covert targeted enforcement operations as well as ad hoc compliance checks on licence holders. These operations and compliance checks may be inside and outside normal office hours and may involve partner agencies.
- 6.6 Some breaches of legislation cannot be enforced by the council, but will be enforced where appropriate, by other partner agencies, e.g. the Police, DVSA, the Home Office etc.
- 6.7 Every enforcement action taken by the council will be determined on the individual circumstances, will be in accordance with this policy, the council's Enforcement and Inspection policy and the Regulator's Code 2014.
- 6.8 There are a range of sanctions and actions which may be taken by the council, e.g. prosecution, suspension, revocation, refusal to renew, formal written warning, caution, verbal warning, advisory letter, note on records and no action. The course of action will depend on the severity of the offence committed, the evidence available and the risk to public safety.
- 6.9 Prosecutions will be taken where it is in the public interest.
- 6.10 The council will revoke or suspend or refuse to renew a licence where the licence holder has committed offences that could put public safety at risk.
- 6.11 Where an applicant or licence holder is aggrieved by the council's decision to refuse an application, revoke or suspend a licence, or impose conditions on a licence, the applicant or licence holder has a right of appeal to the Magistrates Court within 21 days of being given that decision.
- 6.12 It is recommended by the LGA that all councils have a robust system in place for recording complaints in order to monitor a driver and their suitability. The option for this are: -
  - Penalty Points Enforcement System – attached as APPENDIX G

## **SECTION 7**

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

- 7.1 The licence fees applied by this council are set on a cost recovery basis. They are regularly reviewed and any increase or reduction will be published and consulted upon as required by the legislation.
- 7.2 The council sets the maximum fares which can be charged by hackney carriage vehicles within its district. This does not prohibit a driver from charging less than the fare shown on the meter.

- 7.3 The council has no power to regulate the fares charged by private hire operators; they are a private contract between the customer and the operator. Operators are required to display any additional fees which may be charged e.g. for waiting time or for cleaning a soiled vehicle.
- 7.4 Requests for refunds by licence holders must be made in writing in order to be considered.

## **APPENDICES**

Appendix A - South Cambridgeshire District Council Licence Conditions – Driver Licences

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

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

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

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

Appendix F - South Cambridgeshire District Council Hackney Carriage Bylaws

Appendix G – Penalty Points Enforcement System

Appendix H – DBS Update Service: Multiple Status Check Facility