

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **LICENSING COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 9 March 2016

PRESENT

Cllr T Nicols (Chairman)
Cllr N Warren (Vice-Chairman)

Cllrs Mrs A Barker
J Chatterley
K M Collins
F Firth
K Janes

Cllrs I Shingler
P Smith
T Swain
R D Wenham

Apologies for Absence: Cllr Mrs A L Dodwell

Substitutes: Cllr R D Berry (In place of Mrs A L Dodwell)

Members in Attendance: Cllrs B J Spurr
M A G Versallion,

Officers in Attendance: Miss H Bell Committee Services Officer
Mrs J Borthwick Service Manager, Public Protection
Mrs S Childerhouse Head of Public Protection (North)
Mrs M James Licensing Enforcement Officer
Ms S McIntyre Senior Solicitor, Regulation and Litigation

L/15/14. **Minutes**

RESOLVED

that the minutes of the Licensing Committee held on 2 September 2015 and extraordinary meeting held on 5 November 2015 be approved and signed as a correct record.

L/15/15. **Members Interests**

No declarations of interests were declared.

L/15/16. **Chairman's announcements**

No announcements were made.

L/15/17. **Petitions**

No petitions were received.

L/15/18. **Questions, Statements and Deputations**

No questions, statements or deputations were received.

L/15/19. **Review of Hackney Carriage and Private Hire Policies and Conditions**

The Committee received and considered a report of the Director of Community Services seeking adoption of the Hackney Carriage and Private Hire Policy. A copy of which was attached at Appendix C to the report now submitted.

The Committee were invited to consider a new hackney carriage and private hire policy. A consultation process had been undertaken, comments of which were set out at Appendix B to the report now submitted.

The Committee discussed the proposed policy in detail and made various comments that would be incorporated into the final version. In particular, the Committee discussed the importance of drivers ensuring that their photographic signage is visible at all times. It was agreed that Officers would encourage drivers to wear one badge and display the other in the licensed vehicle. It was agreed that further consultation with the trade would need to be carried out before this condition could be attached to a driver licence.

Councillor Collins left the room prior to the conclusion of this item.

RESOLVED

that the proposed Hackney Carriage and Private Hire Policy as set out at Appendix C to the report now submitted be adopted.

(attached at Appendix A)

RECOMMENDED to Council

that the Hackney Carriage and Private Hire Policy be adopted

L/15/20. **Review of Hackney Carriage and Private Hire Driver Conditions**

The Committee received and considered a report of the Director of Community Services seeking adoption of Hackney Carriage and private Hire Driver conditions. A copy of the conditions were attached to the report now submitted.

The Committee discussed in detail the conditions and suggested some minor amendments.

RESOLVED

That the Hackney Carriage and Private Hire driver conditions as set out at Appendix C to the report now submitted be approved.

Recommended to Council

that the Hackney Carriage and Private Hire Drivers conditions be adopted.

L/15/21. **Review of Criminal Conviction Policy**

The Committee received and considered a report of the Director of Community Services seeking adoption of the Criminal Conviction Policy with regard to Hackney carriage and Private Hire matters. Members were concerned about the wording relating to sexual and indecency offences and suggested that the paragraph be re worded.

RESOLVED

that the Criminal Conviction Policy relating to Hackney Carriage and Private Hire matters be adopted subject to the word 'other' being inserted before 'sexual offences' at Paragraph B under the heading of Sexual and indecency offences.

(as attached at Appendix B)

RECOMMENDED to Council

that the Criminal Conviction Policy relating to Hackney Carriage and Private Hire matters be adopted.

L/15/22. **Review of Code of Good Conduct for Licensed Drivers**

The Committee received and considered a report of the Director of Community Services seeking adoption of a Code of Good Conduct for licensed Hackney Carriage and Private Hire drivers. A copy of the proposed code of Conduct as attached to the report at Appendix C.

RESOLVED

That a Code of Good Conduct for Hackney Carriage and Private Hire Drivers be approved subject to the word 'good' being removed from the title.

(as attached at Appendix C)

RECOMMENDED to Council

That a code of Conduct for Hackney Carriage and Private Hire Drivers be adopted.

Note: Councillor Collins returned to the meeting prior to the consideration of this item.

L/15/23. Review of Hackney Carriage Byelaws

The Committee received and considered a report of the Director of Community Services seeking approval and adoption of Hackney Carriage Byelaws. A copy of which was attached at Appendix C to the report.

RESOLVED

that the Hackney Carriage Byelaws be approved.

RECOMMENDED to Council

that the Hackney Carriage Byelaws be adopted.

L/15/24. Review of Hackney Carriage Conditions

The Committee received and considered a report of the Director of Community Services seeking adoption of proposed Hackney Carriage conditions. A copy of which was attached at Appendix C to the report now submitted.

Members felt that the policy should refer to the Council's exceptional condition criteria.

Members felt that the Council should only allow glass type approved windows, to exclude the use of any after market darkening treatments in licensed vehicles providing they complied with the minimum legal standards.

Members felt that the minimum tread depth on tyres should not be increased to 3mm from the standard 1.6mm.

RESOLVED

that the Hackney Carriage Conditions be approved subject to:

- (1) the deletion of the words 'No dark privacy tinted windows will be accepted' to be replaced by 'only glass type approved windows excluding the use of any after darkening treatments will be accepted';**
- (2) the removal of the proposed tyre depth from 1.6mm to 3mm tread depth' and;**
- (3) the inclusion of the words 'or comply with the Council's exceptional condition criteria' following the words 'All new hackney carriages must be under 5 years of age from the date of first registration when new.**

(as attached at Appendix E)

RECOMMENDED to Council

that the Hackney Carriage conditions be adopted.

L/15/25. **Review of Private Hire Vehicle Conditions**

The Committee received and considered a report of the Director of Community Services seeking adoption of Private Hire Vehicle conditions. A copy of which was attached at Appendix C to the report now submitted.

Members suggested that the Council's exceptional condition criteria should be referred to in the Private Hire vehicle conditions.

Following a detailed discussion, Members expressed the view that tinted windows and that only glass type approved windows should be accepted in licensed vehicles to exclude the use of any after market darkening treatment providing that they comply with the minimum legal standards.

Members felt that the minimum tread depth on tyres should not be increased to 3mm from the standard legal depth of 1.6mm.

RESOLVED

that the proposed Private Hire Vehicle Conditions be approved subject to:

- (1) the deletion of the words 'No dark privacy tinted windows will be accepted' and replaced with only glass type approved windows, to exclude the use of any after market darkening treatments will be accepted';**
- (2) the removal of the proposed tyre depth from 1.6mm to 3mm tread depth' and;**
- (3) the inclusion of the words 'or comply with the Council's exceptional condition criteria' following the words 'All new hackney carriages must be under 5 years of age from the date of first registration when new.**

(as attached at Appendix F)

RECOMMENDED to Council

that the proposed Private Hire Vehicle Conditions be approved.

L/15/26. **Review of Private Hire (Special Event) Vehicle Conditions**

The Committee received and considered a report of the Director of Community Services seeking approval and adoption of Private Hire (Special Event) vehicle Conditions. A copy of which was attached to the report now submitted.

RESOLVED

that the Private Hire (Special Event) Vehicle conditions be adopted.

L/15/27. **Review of the conditions attached to Private Hire Operator Licences**

The Committee received and considered a report of the Director of Community Services seeking approval of Private Hire Operator Conditions. A copy of which was attached at Appendix C to the report.

RESOLVED

that the Private Hire Operator Licence Conditions be approved.

RECOMMENDED to Council

that the Private Hire Operator Licence Conditions be adopted.

L/15/28. **Review of National Inspection Standards for Hackney Carriage and Private Hire Vehicles.**

The Committee received and considered a report of the Director of Community Services seeking approval of National Inspection Standards for Hackney Carriage and Private hire Vehicles.

RESOLVED

that the National Inspection Standards for Hackney Carriage and Private Hire Vehicles be approved

RECOMMENDED to Council

That the National Standards for Hackney Carriage and Private Hire vehicles be adopted.

(Note: The meeting commenced at 10.00 a.m. and concluded at 12.15 p.m.)

Chairman

Dated

**Standard Conditions Relating To
Combined Hackney Carriage / Private Hire driver Licences.**

1. The licence is not transferable.
2. The driver must inform the Council within seven days of any motoring or other criminal conviction or caution which has occurred since the granting of this licence.
3. The driver shall, at the request of any authorised Officer of the Council or of any constable, produce for inspection this licence:-
 - (a) in the case of a request by an Authorised Officer of the Council, at the Council's offices, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ or Watling House, High Street North, Dunstable, Bedfordshire. LU6 1LF within five days beginning with the day following that on which the request is made;
 - (b) in the case of a request by a constable within five days beginning with the day following that on which the request is made at any Police Station which is within the are of the Council and is nominated by the driver when the request is made.
4. The driver shall conduct himself towards any person who has hired the vehicle and any other passengers in an orderly, seemly and courteous manner and shall take all reasonable precautions for the safety of persons and luggage conveyed in the vehicle.
5. The driver shall, unless specifically exempted in writing by the Council, wear in such a position and manner as to be plainly and distinctly visible, a driver's badge as issued by the Council whilst licensed to act as a driver of the vehicle.
A second form of driver identification may also be issued to be displayed in the licensed vehicle.
6. The driver's badge shall at all times remain the property of the Council and upon the council suspending, revoking or refusing to renew the licence the driver shall return the badge to the council upon demand.
7. The driver shall notify the Council in writing of any change of address during the period of licence prior to such change taking place and in any case within 7 days of such change.
8. The driver shall not permit to be conveyed in the vehicle a greater number of persons than that specified in the licence issued.

9. The driver shall not, without reasonable cause, unnecessarily prolong, in distance or in time, a journey for which the vehicle has been hired.
10. If the driver is involved in an accident and is not the proprietor of the vehicle, he shall report, or cause to be reported, to the proprietor details of the accident within 5 days.
11. The driver shall, at his or her discretion; carry household pets within the vehicle provided that the pet is suitable contained so as not to cause a nuisance.
12. No driver may refuse to carry a guide or hearing dog and other prescribed assistance dogs provided it is accompanied by a fare passing passenger, unless the driver can produce a medical certificate signed by a registered medical practitioner to the effect that the driver has an allergy to dogs and a certificate of exemption has been issued by the Council. No charge shall be made for the carriage of guide, hearing or other prescribed assistance dogs.
13. No driver may refuse to assist a passenger in a wheelchair unless the driver can produce a medical certificate signed by a registered practitioner to the effect that the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with these duties and a certificate of exemption has been issued by the Council. No additional charge shall be made for assisting a passenger in a wheelchair.
14. The driver, when driving a vehicle so constructed as to carry luggage, shall:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any house, station or place to which he or she may pick up or set down such person.
15. The Licensee shall, at the termination of each hiring, carefully search the vehicle for any property which may have been accidentally left therein.
16. If the driver should find, or be handed, any property accidentally left by a passenger in the vehicle it should, if not claimed by or on behalf of its owner, be taken within 24 hours to a Police Station and left in the custody of the Officer in Charge. The driver should obtain a receipt from the Officer in Charge.
17. Any person requesting a receipt for any payment made will be provided with a written receipt showing the date and fare paid and be signed by the driver. The receipt should clearly identify the company or individual providing the receipt.
18. If the driver has knowingly conveyed in the vehicle the dead body of any person, he shall immediately notify the Council's Head of Service.

19. A medical certificate shall be produced within seven days of the request by the Council for such certificate.
20. The driver of a private hire vehicle shall not tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle or accept the offer for the immediate hire of the vehicle while the driver or the vehicle is on a road or other public place except where such offer is properly communicated to the driver by his Operator.
21. The driver of a private hire vehicle must not demand from any hirer a fare in excess of any previously agreed for the hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter.
22. Drivers of hackney carriages must comply with the requirements of the Council's Hackney Carriage Byelaws.
23. When driving a hackney carriage licensed to ply for hire in Central Bedfordshire, the driver shall not charge any fare for the hiring of the carriage in excess of or in addition to the table of fares fixed by the Council pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
24. The Council reserves the right to vary, delete or waive any of the foregoing conditions.
25. Any requirements of legislation which effects the operations being carried out under the terms of this Licence shall be regarded as if they are conditions of this Licence.
26. All drivers shall operate strictly within the terms of any licence issued, incorporating all of the terms and conditions of the Local Government (Miscellaneous Provisions) Act 1976 and the Hackney Carriage Byelaws. The conditions may not necessarily be exhaustive.

Appeals

27. You may appeal against all or any of these conditions.
28. Any appeal must be made within 21 days of grant of licence.
29. Appeals must be made to the Magistrates Court.

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CENTRAL BEDFORDSHIRE COUNCIL CRIMINAL CONVICTION POLICY

STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

POLICY AIM

To promote and maintain the highest professional standard of hackney carriage and private hire drivers, proprietors and operators by the continuous monitoring of services and to ensure that each driver, proprietor and operator is a fit and proper person to hold a hackney carriage or a private hire driver licence, vehicle or operator licence

The overriding aim of the Council as licensing authority is to protect the safety of the public. The Council 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 persons.
 - The safeguarding of vulnerable persons, children and young persons.
1. Licences for drivers of hackney carriages and private hire vehicles and operators of private hire companies may only be granted or renewed where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
 2. The policy is intended to give guidance to applicants where he or she has previous convictions and or cautions.
 3. The Council will endeavour to ensure:-
 - (a) That a person is a fit and proper person
 - (b) That a person does not pose a threat to the public
 - (c) That the public are safeguarded from dishonest persons
 4. Applicants for driver and private hire operator licences are required to declare all previous convictions they may have. Applicants are also required to declare all formal cautions and all endorsable fixed penalties together with details of all criminal matters of which they are currently subject of criminal investigation or prosecution.
 5. Existing holders of driver and private hire operator licences are required to notify the Council, in writing, within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions)

6. The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a driver's licence for the purposes of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Applicants should be aware that the Council is empowered by Law to check with the Disclosure & Barring Service (DBS) for the existence and content of any criminal record held in their name. This Council abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
8. The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a driver's licence. Whether or not an applicant will be granted a licence will depend upon whether or not the Council can be satisfied that the applicant is a fit and proper person to hold such a licence.
9. In accordance with current case law, the Council will not seek to go behind the convictions by reinvestigating the circumstances of the case or questioning the decision of the relevant judicial authority. It will be for applicants to persuade the Council that the conviction is no longer serious, relevant, or is so old that it should not affect their ability to hold a licence.
10. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver or private hire operator licence for any good reason. If adequate evidence that a person is a fit and proper person is not received, or if there is good reason to question or doubt the evidence provided, it could amount to good reason to refuse a licence.
11. In considering evidence of an applicant's good character and fitness to hold a driver or private hire operator licence, where previous convictions or other information relating to criminal matters are 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.
12. The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils, and information disclosed by the Police under the Home Office scheme for reporting notifiable offences.
13. Any applicant refused a driver's licence or private hire operator licence on the grounds that the Council is not satisfied that he or she 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.

14. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for drivers' and private hire operator licences.
15. The guidelines will also be taken into account by the Council when dealing with applications for the renewal of existing driver's and private hire operators licences and when considering whether to suspend or revoke an existing driver or private hire operator licence.

GENERAL POLICY GUIDELINES

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure, so far as possible, that drivers and private hire operators are fit and proper persons to hold licences.
3. A person with a conviction for a serious crime need not be automatically barred from obtaining a licence but would normally be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence that he or she is a fit and proper person to hold a licence. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence.
4. In some circumstances it may be appropriate to depart from the general policy, for example, where 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. Applicants may be invited to make representation to the Head of Public Protection, before a final decision on whether an applicant is considered a fit and proper person to hold a licence.
5. The Council may also consider evidence of an applicant's conduct even though the applicant has not been convicted of any offences, received a caution or a warning or been dealt with under restorative justice procedures, etc. in relation to that conduct. Any decision regarding the conduct concerned will be based on the civil standard i.e. on the balance of probabilities.
6. The following examples afford a general guide on the actions which might be taken where convictions are disclosed. The period of past convictions before applications will be considered are based on the Home Office Guidelines.

Offence of Dishonesty

- a. Drivers of hackney carriage and private hire vehicles together with private hire operators are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal

fare. A serious view is taken of any conviction for dishonesty. In general, an application less than 3 – 5 years after conviction is unlikely to be considered favourably.

- b. After 3 years the circumstances of the offence, together with any evidence demonstrating that the person is now a fit and proper person to hold a licence, will be taken into account.

Violence

- a. As hackney carriage and private hire vehicle drivers maintain close contact with the public, a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered.
- b. A licence will not normally be granted where an individual has been convicted of an offence of:-

- 1) Murder
- 2) Manslaughter
- 3) Manslaughter or Culpable Homicide while driving, or
- 4) Terrorism offences

Drugs

- a. An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5 – 10 years prior to the date of application.
- b. After 5 years the circumstances of the offence, together with any evidence demonstrating that the person is now a fit and proper person to hold a licence, will be taken into account.
- c. An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts.

Sexual and Indecency Offences

- a. As hackney carriage/private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences will normally be refused a licence.
- b. Applicants with a conviction relating to **other** sexual offences will normally be refused a licence until they can show a substantial period (usually between 3 and 10 years) free from any such conviction.

Public Order Offences

- a. Applicants with a conviction involving public order offences such as affray, fear or provocation of violence, criminal damage etc. within the last 3 years will normally be refused a licence.
- b. Any conviction which results from an offence committed by any person while working as a hackney carriage / private hire driver or operator is regarded as extremely serious and may lead to a licence being revoked or an application to renew the licence being refused.

Motoring Convictions

Disqualification.

- a. Where an applicant has been disqualified from driving because of a major traffic offence, the applicant will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to drink driving or a major traffic offence.
- b. Where several motor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally be taken as reflecting seriously on the applicant's driving standard. Generally a period of 3 years free from conviction must have elapsed from the restoration of the DVLA licence.
- c. In 'totting-up' cases where disqualification is considered by the Court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances), the Council is likely to refuse a hackney carriage./private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-disqualification.

Major Traffic Offences.

- a. An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application.
- b. More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

Minor Traffic Offences.

- a. Isolated convictions for minor traffic offences should not prevent a person from obtaining a licence. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature, the applicant will normally be expected to show a period free of conviction of at least 6 months.

DVLA Points

- a. Existing holders of driver licences are required to notify the Council, in writing, within seven days of receiving a driving licence endorsement or fixed penalty notice.
- b. Drivers who accumulate 6 or more points endorsed on their DVLA licence will be given 3 months in which to take the Driving Standards Agency (DSA) test. Drivers who fail to take the test during this time will have their licence revoked until such time as they submit an application for a completely fresh licence

Drunkenness

With a motor vehicle

- a. A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application. More than one conviction for this type of offence or one such offence within the last five years is likely to merit refusal. Where a disqualification has occurred as a result of a drink offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is considered for a licence.
- b. In addition, applications will normally be required to show a period of at least 5 years following successful completion of any rehabilitation course imposed as part of a community penalty.

Not in a motor vehicle.

- c. An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if he or she was an alcoholic.

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ('the Acts') and Hackney Carriage Byelaws is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular an applicant will normally be refused a licence if he or she has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

Spent convictions

- a. The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence.
- b. Cautions and Endorsable Fixed Penalties
- c. For the purpose of these guidelines, formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

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Appendix C

Code of Good Conduct for Licensed Drivers

The word 'good' removed

In order to promote its licensing objectives as regards hackney carriage and private hire matters, the Council has adopted the following Code of Good Conduct which should be read in conjunction with the other statutory and policy requirements set out in this document.

Responsibility of the Trade

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:-

1. Complying with this Code of Conduct.
2. Complying with all the conditions of their licence and the council's hackney carriage / private hire policy.
3. Behaving in a professional manner at all times.

Responsibility to Customers

Licence holders shall:-

1. Maintain their vehicles in a safe and satisfactory condition at all times;
2. Keep their vehicles clean and suitable for hire to the public at all times;
3. Attend punctually when undertaking a pre-booked hiring;
4. Assist, where necessary, passengers into and out of vehicles;
5. Offer passengers reasonable assistance with luggage.

Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

1. Not sound the vehicle's horn.
2. Keep the volume of radio/music to a minimum;
3. Switch off the engine if required to wait.
4. Not deposit any litter.
5. Not urinate in the street.
6. Take what additional action is necessary to avoid disturbance to residents in the neighbourhood.

At hackney carriage ranks and other places where hackney carriages play for hire by forming queues, drivers shall, in addition to the requirements above;

1. Rank in an orderly manner and proceed along the rank in order and promptly.
2. Remain in or close to their vehicle

General Information

Drivers shall:

1. Pay attention to personal hygiene and dress so as to present a professional image to the public;

2. Be polite, helpful and respectful to passengers;
3. Drive with care and consideration to other road users and pedestrians.
4. Obey all Traffic Regulation Orders and directions at all times.
5. Not use a hand held mobile phone whilst driving.
6. Not smoke in the vehicle.
7. Ensure they do not smell of alcohol or consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.
8. Not drive while having misused legal or illegal drugs.
9. Comply with legislation regarding the length of working hours if applicable.

Hackney Carriage Conditions

1. All Hackney Carriages must be wheelchair accessible and conform to the Hackney Carriage licence conditions.

All new Hackney Carriages must be under 5 years of age from date of first registration when new **(subject to the Council's exceptional condition criteria)**

Vehicles currently licensed as wheelchair accessible Hackney Carriages will be permitted to be re-licensed annually provided they pass the mechanical requirements, but any replacement vehicle will be required to meet all requirements.

Vehicles currently licensed that are not wheelchair accessible, will be permitted to be re-licensed up to a maximum of 10 years from the original date of vehicle registration provided they pass the mechanical inspection. Any replacement vehicle will be required to meet all requirements.

The vehicle must:-

- (a) be a purpose built taxi; or
 - (b) If modified to accommodate disabled passengers, shall have been retested after modification to meet European Whole Vehicle Type Approval standards (or the low volume standard for UK vehicles) in respect of all such modifications. The relevant certificate will be required before such a vehicle can be licensed.
 - (c) Only be driven by a CBC licensed Hackney Carriage / Private Hire driver. Arrangements shall be made by the Council for drivers to receive training in the loading and unloading of wheelchairs and their passengers and also the care of the passenger in relation to their wheelchair use. The licences of drivers who refuse such training may be suspended or revoked.
2. All vehicles, including new, are required to undertake an annual mechanical compliance inspection at the Council's nominated test centre at Luton Borough Council's Transport Depot or Bedford Borough Council's Transport Depot.
 3. The vehicle will be tested in accordance with the National Inspection Standards together with the DVSA MOT vehicle standards and these conditions.

4. A second (six monthly) test will be required on any vehicle over the age of 5 years. It can be carried out at any DVSA appointed garage registered to test that class of vehicle.
5. The licensing period runs for 12 months.

Signage

6. The only permitted signage allowed to be displayed is:-
 - a. an illuminated 'For Hire' sign must be fitted inside the licensed vehicle and must be of a type and fitted in a position within the vehicle approved by the Council. Such sign must be extinguished during any period for which the vehicle has been hired. The sign shall not be illuminated at any time whilst the vehicle is outside the district of Central Bedfordshire.
 - b. the plate (provided by the Council and which shall remain the property of the Council) identifying the vehicle as the Hackney Carriage and stating the maximum number of passengers which the Council have licensed the vehicle to carry must be affixed to the vehicle in a conspicuous position on the rear exterior of the vehicle in such a manner as the Council shall prescribe.
 - c. The Council must be informed immediately should the licence plate showing the number of the Hackney Carriage be broken, lost or stolen. On no account must a Hackney Carriage ply for hire without a plate.
 - d. The licensed vehicle shall carry an identifying disc (issued by the Council and which shall remain the property of the Council) which shall be affixed inside the vehicle to the near-side of the front windscreen so that the information on it is plainly and distinctly visible from the exterior of the vehicle.
 - e. Any permitted sign must be positioned so as not to impede visibility.

Seating Capacity

7. All passenger seats shall be provided, where possible, with a lap and diagonal 3 point seat belt and where not possible a 2 point lap seat belt appropriate to the type and position of the seat.

Wheelchair Restraint

8. A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated for wheelchair spaces.

Wheelchair Space

9. The vehicle shall have a designated wheelchair space sufficient to accommodate at least one wheelchair bound passenger. The space / spaces shall be immediately adjacent to the vehicle door fitted with the wheelchair access equipment so as to allow the wheelchair bound passenger to ingress the vehicle and use the anchoring equipment with the minimum of manoeuvring.

Floor Height and Steps

10. At every access door into the passenger area of the vehicle steps shall be provided to aid ingress as follows:-
- Where the internal floor height of the vehicle exceeds 12in (305mm) intermediate steps shall be fitted every 9ins (228mm) from road level up to the internal floor height.
 - The tread area of all steps shall have a minimum depth of 6ins (152mm) and shall have a slip resistant surface.
 - All steps shall be capable of supporting the weight of an adult.
 - Hand rails shall be fitted in appropriate positions in all passenger access doors so as to facilitate the use of the steps provided.

Bulkhead / Drivers Safety Screen

11. A full width full height bulkhead/safety screen shall be fitted in the vehicle directly behind the driver's seat. The upper section of the bulkhead/safety screen shall contain a clear vision panel sufficient for the driver to be able to see a substantial amount of the passenger compartment which must include vision of all access doors. A section of the bulkhead/safety screen shall be openable so as to allow verbal communication between the driving and passenger compartments. Except for the openable section, the surface of the bulkhead shall have no discontinuities such that a passenger could reach into the driver's compartment from the passenger compartment.

Emergency Exits

12. The vehicle shall have a minimum of 2 means of exit from the passenger compartment for use in emergency situations. The means of exit shall be free of any obstructions, reachable from all parts of the passenger compartment and have an aperture through which an adult can pass without undue difficulty.

Both exits shall be clearly marked 'Emergency Exit' together with clear instructions relating to the means of opening. All markings shall be both inside and outside of the vehicle.

Windows and Ventilation

13. The vehicle shall have windows fitted on both sides and the rear of the passenger compartment. A minimum of one window on each side shall be openable for the purpose of ventilation.

Tinted windows are allowed providing they are fitted during the manufacture of the vehicle and meet all current legal requirements. After market kits are not acceptable.

Interior Lighting

14. The vehicle shall have interior lighting fitted in the passenger compartment sufficient to light the whole of that compartment. The lights shall be switched such that they may be turned on or off from either the driving or passenger compartments.

A means of illuminating the entrance steps on all access doors into the passenger compartment shall be fitted and switched such that they automatically operate when the door is opened.

Tyres

15. **Tyres must meet the minimum legal tread depth of 1.6 mm.**

Radio

16. Radio Equipment must be securely fixed in the vehicle.

Insurance

17. The proprietor of the licensed vehicle shall ensure that the vehicle is insured for use for the carriage of fare paying members of the public at all times and must forward a copy of a certificate of insurance and all subsequent renewals of insurance to the Council's offices. Failure to do so will result in the licence being suspended or revoked.

Transfer of Vehicles

18. This licence may not be transferred, except with the prior approval of the Council, to another vehicle. Such vehicle must comply with the statutory requirements, the Council's requirements with regard to the licensing of Hackney Carriages and these conditions.
 - a. Replacement vehicle. A completed transfer form must be submitted with other required documentation and any necessary transfer fee prior to any such vehicle being used as a Hackney Carriage
 - b. Change of vehicle ownership. If a proprietor transfers his interest in a vehicle to somebody else, he must immediately give notice of the transfer, in writing, to the Authorised Officer giving the name and address of the new owner. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until the licence has been transferred to that person and all documentation completed and any necessary fees paid.

Convictions

19. The licence holder should immediately, and in any case within 7 days, disclose to the Council in writing the details of any conviction imposed upon him or her (or in the case of a company or partnership, on any of the directors or partners) during the period of the Hackney Carriage licence.

Change of Address

20. The licence holder must inform the Council of any change of address in writing within seven days of the change of address.

Alterations

21. No alterations in the specification, design or appearance of the vehicle shall be made without the approval, in writing, of the appropriate Head of Service or the Authorised Officer.

Assistance Dogs

22. No driver may refuse to carry a seeing or hearing (guide) dog and other prescribed assistance dogs provided it is accompanied by a fare paying passenger, unless the driver can produce a medical certificate signed by a registered medical practitioner to the effect that the driver has an allergy to dogs and a certificate of exemption has been issued by the Council. No charge shall be made for the carriage of guide, hearing or other prescribed assistance dogs.

All drivers and vehicle owner/operators must comply with the Disability Discrimination Act at all times.

Dual Plating

23. 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 district and the enforcement of those conditions. No vehicle can be licensed as both a hackney carriage and a private hire vehicle.

Vehicle Damage

24. The proprietor of any Hackney Carriage should report to the Authorised Office as soon as reasonably practicable and in any case within 72 hours, the occurrence of any accident involving the vehicle.

Complaints

25. Any vehicle against which a complaint is laid must be presented to the Authorised Officer within one working day of being so requested for inspection, possible testing and for the driver to answer such complaint.

Inspection

26. The vehicle, including documentation, may be called in for inspection at anytime by the Authorised Officer to ensure compliance. Failure to attend and or show any documentation as requested may lead to suspension or revocation of licence.

Vehicle Checks

27. In the interest of public safety, any vehicle which is suspected of any infringement of legislation or conditions may be stopped by an Authorised Officer at anytime to ensure its fitness to be used as a Hackney Carriage.

Compliance

28. The responsibility for complying with these conditions, unless otherwise stated, shall be the proprietors and drivers jointly and severally.

Recording Equipment

29. No recording CCTV equipment shall be fitted without the written consent of the Council. Consent shall only be considered for a system that complies with the Information Commissioner's Office (ICO) Code of Practice. Any organisation (including taxi and private hire companies) using cameras to process personal data should follow the recommendations of the code. Companies may also wish to take into account the ICO's 'Privacy notices code of practice' 'Data sharing code of practice' and 'employment practices code'. This is particularly important if surveillance systems will be used to monitor employees.

Booking Records

30. **The proprietor shall ensure that a record is kept of all pre arranged bookings for the vehicle. The record must be kept in the form described in the following condition:-**

Records must be kept in a suitable book, the pages of which are consecutively numbered or on a computer with backup records which is capable of producing a hard copy..

The proprietor or his/her agent employed must enter, before the commencement of each journey, the following particulars of every booking of every Hackney Carriage operated by him/her:-

- **The name and address of the hirer;**
- **The date, time and pickup point of the booking;**

- The destination;
- The number of passengers to be carried;
- When and how the booking was made i.e. telephone, personal call;
- The plate number of the vehicle allocated;
- The name of the driver allocated to the booking and call sign of the vehicle;
- The amount to be charged;
- Remarks (including details of any sub-contract)

All records are to be kept for a period of not less than 12 months following the date of the last entry and to be produced for inspection on the request of an Authorised Officer of the Council or a Police Officer.

Suspension or Revocation

31. The Council has the power to suspend or revoke a licence. In the case of revocation the plate must be returned.

Appeal

32. You may appeal against all or any of the conditions attached to a licence granted to you.
You may appeal against the refusal of a licence to you.

Any appeal against the refusal to renew or the suspension or revocation of a Hackney Carriage licence must be made to the Magistrates Court within 21 days of such refusal to renew, suspension or revocation.

Any appeal against the refusal to issue a (new) Hackney Carriage Licence must be made to the Crown Court within 21 days of refusal to issue.

Legislation

33. Any requirements of Regulation that effect the operations being carried out under the terms of a licence shall be regarded as if they are conditions of that licence.

The Council reserve the right to vary, delete or waive any of the foregoing conditions.

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Private Hire Vehicle Conditions

1. All new Private Hire vehicles must be under 5 years of age from date of first registration when new **(subject to the Council's exceptional condition criteria)**

Vehicles currently licensed as private hire vehicles will be permitted to be re-licensed provided they pass the mechanical inspection. Any replacement vehicle will be required to meet all requirements.

The vehicle must:-

- (a) Not be a 'London' type taxi;
- (b) be a saloon or hatchback type of vehicle and must have at least four doors capable of being opened outwards; or
- (c) be any other suitable vehicle capable of carrying no more than eight passengers with a minimum of two doors to the passenger compartment.

The vehicle will be tested in accordance with the National Inspection Standards, together with the MOT vehicle standards and these conditions.

- (d) if modified to accommodate disabled passengers, shall have been retested after modification to meet European Whole Vehicle Type Approval standards (or the low volume standard for UK vehicles) in respect of all such modifications. The relevant certificate will be required before such a vehicle can be licensed.
- (e) Only be driven by a CBC licensed Hackney Carriage / Private Hire driver. Arrangements shall be made by the Council for drivers to receive training in the loading and unloading of wheelchairs and their passengers and also the care of the passenger in relation to their wheelchair use. The licences of drivers who refuse such training may be suspended or revoked.

2. The vehicle must have a minimum passenger seating capacity for three adults and a maximum capacity for eight adults.
3. No recording CCTV equipment shall be fitted without the written consent of the Council. Consent shall only be considered for a system that complies with

the Information Commissioner's Office (ICO) Code of Practice. Any organisation (including taxi and private hire companies) using cameras to process personal data should follow the recommendations of the code. Companies may also wish to take into account the ICO's 'Privacy notices code of practice' 'Data sharing code of practice' and 'Employment practices code' This is particularly importance if surveillance systems will be used to monitor employees..

4. All vehicles, included new, are required to undertake an annual mechanical compliance inspection at the Council's nominated test centre at Luton Borough Council's Transport Depot or Bedford Borough Council's Transport Depot.
5. A second (six monthly) test will be required on any vehicle over the age of 5 years. It can be carried out at any DVSA appointed garage registered to test that class of vehicle.
6. The vehicle must be covered by an Operator's licence issued by the Council.
7. The licensing period runs for 12 months.
8. The vehicle must be covered by an Operator Licence
9. The only permitted signage allowed to be displayed is:-
 - (a) A Central Bedfordshire designed self-adhesive vinyl door sign permanently displayed on the front door panels of each private hire vehicle stating Advance Bookings Only to Validate Insurance (unless written application has been made for, and an exemption certificate has been granted)
 - (b) An advertisement identifying the proprietor of the licensed vehicle or the association of proprietors to which he or she belongs, together with a telephone number on the exterior of the licensed vehicle.
 - (c) the plate (provided by the Council and which shall remain the property of the Council) identifying the vehicle as the Private Hire Vehicle and stating the maximum number of passengers which the Council have licensed the vehicle to carry must be affixed to the vehicle in a conspicuous position on the rear exterior of the vehicle in such a manner as the Council shall prescribe.
 - (d) The Council must be informed immediately should the licence plate showing the number of the Private Hire vehicle be broken, lost or defaced. On no account must a Private Hire vehicle be used for hire

without a plate unless written application has been made for, and an exemption certificate has been granted.

(e) Any permitted sign must be positioned so as not to impede visibility.

10. There shall not be included in the inscription of any of the advertisements referred to in these conditions the words 'Cab', 'Taxi', 'Taxi Cab' or 'For Hire'

Tyres must meet the minimum legal tread depth of 1.6mm

11. Radios must be secured in the vehicle.
12. **Tinted windows are allowed providing they are fitted during the manufacture of the vehicle and meet all current legal requirements. After market kits are not acceptable.**
13. The proprietor of the licensed vehicle shall ensure that the vehicle is insured for use for the carriage of fare paying members of the public at all times and must forward a copy of a certificate of insurance and all subsequent renewals of insurance to the Council's offices. Failure to do so will result in the licence being suspended or revoked.
14. This licence may not be transferred, except with the prior approval of the Council, to another vehicle. Such vehicle must comply with the statutory requirements, the Council's requirements with regard to the licensing of Private Hire vehicles and these conditions.
- a. Replacement vehicle. A completed transfer form must be submitted with other required documentation and any necessary transfer fee prior to any such vehicle being used as a Private Hire vehicle.
 - b. Change of vehicle ownership. If a proprietor transfers his interest in a vehicle to somebody else, he must immediately give notice of the transfer, in writing, to the Authorised Officer giving the name and address of the new owner. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until the licence has been transferred to that person and all documentation completed and any necessary fees paid.
15. All wheelchairs and users must be properly secured in the vehicle.
16. The vehicle shall have windows fitted on both side and the rear of the passenger compartment. A minimum of one window on each side shall be operable for the purpose of ventilation but restricted whereby a small child would be unable to fall through accidentally.

17. All drivers and vehicle owner/operators must comply with the Disability Discrimination Act at all times.

Convictions

19. The licence holder should immediately, and in any case within 7 days, disclose to the Council in writing the details of any conviction imposed upon him or her (or in the case of a company or partnership, on any of the directors or partners) during the period of the Private Hire vehicle licence.

Change of Address

20. The licence holder must inform the Council of any change of address in writing within seven days of the change of address.

Dual Plating

21. 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 district and the enforcement of those conditions. No vehicle can be licensed as both a hackney carriage and a private hire vehicle.

Vehicle Damage

22. The proprietor of any Private Hire vehicle should report to the Authorised Office as soon as reasonably practicable and in any case within 72 hours, the occurrence of any accident involving the vehicle.

Alterations

23. No alterations in the specification, design or appearance of the vehicle shall be made without the approval, in writing, of the appropriate head of Service or the Authorised Officer.

Complaints

24. Any vehicle against which a complaint is laid must be presented to the Authorised Officer within one working day of being so requested for inspection, possible testing and for the driver to answer such complaint.

Inspection

25. The vehicle, including documentation, may be called in for inspection at anytime by the Authorised Officer to ensure compliance. Failure to attend and or show any documentation as requested may lead to suspension or revocation of licence.

Vehicle Checks

26. In the interest of public safety, any vehicle which is suspected of any infringement of legislation or conditions may be stopped by an Authorised Officer at anytime to ensure its fitness to be used as a Private Hire vehicle.

Compliance

27. The responsibility for complying with these conditions, unless otherwise stated, shall be the proprietors and drivers jointly and severally.

Suspension or Revocation

28. The Council has the power to suspend or revoke a licence. In the case of revocation the plate must be returned.

Appeal

29. You may appeal against all or any of the conditions attached to a licence granted to you.
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31. Any appeal must be made to the Magistrates Court within 21 days.

Legislation

32. Any requirements of Regulation that effect the operations being carried out under the terms of a licence shall be regarded as if they are conditions of that licence.
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