

APPENDIX C

**HACKNEY CARRIAGE
AND
PRIVATE HIRE
LICENSING POLICY**

CONSULTATION DRAFT
(INCLUDING PROPOSALS)

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Notes on this Consultation Document

Prior to April 2009, Hackney Carriage and Private Hire Vehicles, Drivers and Operators were licensed by either Mid Bedfordshire District Council or South Bedfordshire District Council.

On 01 April 2009, Central Bedfordshire Council was formed. At that time, regulations provided for the continuity of existing Hackney Carriage and Private Hire policies until new policies and conditions could be adopted by the new Council.

The current guidelines, policies and conditions for Hackney Carriage and Private Hire matters were adopted on 01 April 2010. They were formed, in the main, by amalgamating the guidelines, policies and conditions of the former South Bedfordshire and Mid Bedfordshire Councils.

It is now intended to adopt new guidelines, policies and conditions for Central Bedfordshire's Hackney Carriage and Private Hire Trade. In addition, the Council would like to take the opportunity to present the guidance in a way that will be easy to access and understand.

In this document, any new proposals / conditions / changes to the current practice, are shown in bold, together with explanatory notes where it is thought necessary.

Please feel free to comment on this document and its contents. You may also wish to comment if you feel that some matters should have been included and have not been.

Interpretation

1. 'the Council' means Central Bedfordshire Council.
2. 'Authorised Officer' means the Licensing Officer or other Authorised Officers for the time being of the Council.
3. 'Nominated Officer' means the Licensing Manager for the time being of the council.
4. 'the proprietor' means the person for the time being shown on the Hackney Carriage licence as the proprietor of the vehicle.
5. 'the driver' means the driver for the time being of the vehicle.
6. 'the vehicle' means the vehicle subject of the Hackney Carriage or Private Hire licence to which these conditions refer.
7. 'the Operator' means the person to whom the Council has granted the Private Hire Operator licence to which the conditions apply. In the case of a partnership to each of the partners. In the case of a company to each of the company directors.
8. 'mechanical inspection' means the certificate issued by the Council's nominated garage certifying that the vehicle is mechanically sound.
9. 'nominated garage' means for the time being the garage approved by the Council for the purpose of undertaking mechanical inspections.
10. any obligation in these conditions not to do any act or thing shall be deemed to include any obligation not to cause or permit that act or thing to be done.
11. Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

Introduction

Hackney carriages (more generally known as taxis) and Private Hire vehicles play an important part in public transport. They are used by all social groups.

The first purpose of the Local Authority when licensing Hackney Carriage and Private Hire vehicles, Operators and Drivers is to protect the public. The Council is aware that the public should have reasonable access to safe and comfortable Hackney Carriage and Private Hire vehicles because of the role they play in public transport provision.

A Hackney Carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means that it may stand at designated taxi ranks or be hailed in the street by members of the public. Private Hire vehicles must have no more than 8 passenger seats either but they must be booked in advance, through an operator, and may not ply for hire in the street.

Local authorities are responsible for the licensing, administration and enforcement of Hackney Carriage and Private Hire vehicles in their area.

Powers and Duties

The Council has adopted part 2 of The Local Government (Miscellaneous Provisions) Act 1976. This legislation, together with the provisions of The Town and Police Clauses Act 1847, gives the

Council the powers and duties to carry out licensing functions in respect of Hackney Carriage and Private Hire matters. The Council is, therefore, responsible for the licensing of Hackney Carriages and their drivers together with Private Hire Operators, vehicles and their drivers. This document sets out the policy that the Council will apply when making decisions about Hackney Carriage and Private Hire matters. **It is expected that licence applicants will have read the conditions and policies prior to making an application for a licence. It is expected that licence holders will comply with the conditions and policies at all times.**

Objectives

The objective of this Policy is to:

- Ensure that safe, clean reliable and accessible Hackney Carriage and Private Hire vehicles are available for all those who require them.
- Ensure that the drivers of such vehicles and Private Hire Operators are 'fit and proper' persons.
- Provide clarity for licensees with regard to the Council's expectations and the decision making process.
- Encourage environmental sustainability.
- Encourage high standards of professionalism in the Hackney Carriage and Private Hire trade.

This Policy shall apply in respect of applications, renewals, transfers and any other related matters connected to Hackney Carriage and Private Hire vehicles, drivers and operators.

Methods

The Council will employ the following methods in order to reach the objectives:

- Setting the standards for the licensing of operators, vehicles and drivers.
- Annual licensing and routine inspection of vehicles, with appropriate follow up action.
- Routine inspection of documents, with appropriate follow up action.
- Routine checks on driver's medical health, criminal record, and driving ability.
- Routine checks on applicants' understanding of the legislation attached to hackney carriage and private hire licences together with knowledge of the CBC area.
- Investigation of complaints with appropriate follow up action.
- Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
- Liaison with the Hackney Carriage and Private Hire trade by way of regular forum meetings and updates.
- Taking enforcement action and / or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, simple cautions, suspension or revocation of licences for breaches of legislation or conditions.
- Conditions added to licences.
- The issue of guidance notes.

Best Practice Guidance

In formulating this Policy, the Council has considered the Best Practice Guidance issued by the Department for Transport.

Authorisations

Officers of the Public Protection Service are authorised to carry out functions relating to Hackney Carriage and Private Hire licensing. Officers are appointed such powers as appropriate after assessment of their knowledge, service duration and capability.

Delegations

The Head of Service, Public Protection, has delegated authority to appoint authorised officers for the purposes of the enforcement of Hackney Carriage and Private Hire operators, vehicles and drivers

Implementation and Review

This Policy will take effect from **01 May 2016**.

The Council will keep this Policy under review and will consult where appropriate on proposed revisions. When this Policy is implemented, the Council will require licence holders to comply with its terms immediately or, where appropriate, from the renewal of a current licence. Where it is not possible to comply with part of the Policy due to an outstanding action required by the Council, information will be provided as to the implementation date for that part. From the effective date, this Policy will override and supersede all existing Policies in relation to the licensing of Hackney Carriage and Private Hire vehicles, drivers and operators.

Area and Impact

The Council is a Unitary Authority with a population of 254,400. It covers an area of 716 square kilometres and has a population density of 355 people per square kilometre. It is classified as predominantly rural with just over half of the population living in rural areas.
(Source: Office for National Statistics, 2011 Census)

The late night economy of the Central Bedfordshire area is principally centred around the town centres of Dunstable, Leighton Buzzard and Biggleswade, where a number of entertainment premises, pubs and takeaway establishments are situated.

The Council recognises and welcomes the contribution that the Hackney Carriage and Private Hire trade make to the transport industry in the area.

Partnership Working

The Council will work in partnership with the following agencies and individuals to promote the policy objectives:

- Local Hackney Carriage and Private Hire Trade
- Local Police
- Local Residents
- Disability Groups
- Service Users
- Driver and Vehicle Standards Agency (DVSA (formerly known as VOSA)
- Department of Works and Pensions
- The Border Agency
- HM Revenue and Customs
- Driver and Vehicle Licensing Agency (DVLA)
- Disclosure and Barring Service (formerly Criminal Records Bureau)
- Other Council Departments

Duties and Obligations under the Disability Discrimination Act 1995 / 2005 (DDA) Superseded by Equality Act 2010

Those who provide transport services by way of Hackney Carriage and Private Hire vehicles are deemed to be providers of services to the public for the purposes of the DDA 1995. In addition, the Equality Act 2010 places a duty on a driver of designated wheelchair accessible hackney carriages and private hire vehicles to:-

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required to enable the passenger to get in or out of the vehicle and to secure / carry the wheelchair as appropriate.

Drivers who have a physical condition that makes it impossible or unreasonably difficult for him or her to comply with these duties may apply for an exemption from the duties on medical grounds.

In addition, licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without any additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may also apply for an exemption from the duties on medical grounds.

Medical certificates must be provided, at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted. The notice must be displayed on the windscreen or dashboard of the vehicle.

Persons who breach Disability Discrimination duties may be guilty of a criminal offence.

Monitoring

It is the responsibility of the applicant to provide any necessary documentation. All such documentation will be assessed as to its authenticity. Routine random checks will also occur during the year. In addition, visits will be made to the ranks and regular trade pick up points to check compliance. Checks of proprietor and operator documents and records will also be made by officers as necessary.

The Council will work in partnership with outside agencies and neighbouring authorities to undertake and monitor enforcement activities.

Records

An up to date record will be kept and maintained on computer of all application details together with the public registers as required by law. Disclosure Barring Service (DBS) records shall only be seen by the licensing officers and will be processed using the latest DBS guidelines.

Data Protection

All information held on files and databases about an applicant is confidential, and is processed in accordance with the Data Protection Act 1998. However, this Council may use any information provided by an applicant to this authority for the prevention or detection of crime, the apprehension or prosecution of offenders, for carrying out its regulatory functions or where required by law. We may also share this information with other bodies for the above purposes or where there is a legal obligation to do so. For the most recent Council policy, please visit www.centralbedfordshire.gov.uk

Fees and Charges

Acceptable forms of payment are credit or debit card, cheques or postal orders. The Council is unable to accept cash payments.

Council Logo

The Central Bedfordshire Council logo and brand should not be used on any promotional materials for your company including materials and websites without permission from the Council. Use of the logo would imply that the Council approves, condones, supports or recommends your product, goods or service which the Council will not do.

COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCES

Central Bedfordshire Council issues combined Hackney Carriage and Private Hire Driver licences. Once issued, the holder is allowed to drive both Hackney Carriages and Private Hire vehicles **licensed by this Council** (provided they are properly insured to do so).

Before a licence can be issued, the Council must be satisfied that the applicant:-

- Has held a full driver's licence (not a provisional licence) for at least 12 months prior to the date of application.
- Is a 'fit and proper' person to hold a licence

In order to establish whether or not an applicant is a 'fit and proper' person, applicants will be required to:-

- Pass a knowledge test.
- **Obtain a Hackney Carriage or Private Hire pass certificate from the Drivers Standards Agency's (DSA) or a CBC approved driving examiner.**
- Undergo a medical assessment.
- Undergo a check with the Driver and Vehicle Licensing Agency (DVLA)
- Undergo a criminal records check with the Disclosure and Barring Service (DBS)

PROPOSAL NOTES – Currently applicants are required to obtain a pass certificate from the DSA or its equivalent. It is proposed that only DSA pass certificates or a certificate provided by a CBC appointed driving examiner are accepted in the future to ensure all drivers are tested to the same standards.

The knowledge test, DSA assessment, DVLA check and medical examination must all be completed no more than 6 months before an application is submitted to the Council.

PROPOSAL NOTES – To ensure all such documentation is current.

Knowledge Tests

Knowledge tests are normally held twice each month and spaces are limited. The Council reserves the right to change the frequency of knowledge tests due to demand.

Applicants who wish to apply for a knowledge test must first complete a knowledge test application form and return it to the Licensing Section with:-

- **1 current colour passport type photograph – please sign the back of the photograph.**
- **Driving Licence photo card.**
- **The booking fee – in accordance with the Council's scale of charges.**

The fee is non refundable and non transferrable.

Upon receipt of a knowledge test application, an appointment can be made for applicants to sit the test. Applicants who fail a knowledge test will need to wait at least one calendar month before taking another test in order to give them time to prepare for the retake.

Applicants who fail three knowledge tests will need to wait at least six months before taking another test in order to give them time to prepare for the retake.

Applicants caught cheating in the knowledge test will be instantly disqualified and will have to wait 12 calendar months before retaking the test. Cheating is defined as using street maps or road plans, notes, mobile phones, asking information from another person or asking another person to take the test on your behalf. In the case of impersonation, prosecution may also be considered..

PROPOSAL NOTES – To ensure applicants are able to read and understand the rules and regulations regarding Hackney Carriage and Private Hire matters before they apply for a licence.

The knowledge test is designed to test the applicant's knowledge of the rules and regulations regarding Hackney Carriage and Private Hire matters, **their comprehension of the English language, customer care, numeracy and** working knowledge of the Central Bedfordshire area. The test is computerised and oral tests are not permitted.

The Council reserves the right to request current licensed drivers to undertake a knowledge test if their knowledge of the area or understanding of the conditions attached to their licence is brought into question.

Driving Standards

The Council requires new driver applicants to take a taxi/private hire driving course to help raise the standard of driving. The driving assessment will be conducted by an examiner from the Driving Standards Agency (DSA) or a CBC appointed driving examiner. The applicant must provide a signed copy of the assessment Pass Certificate before an application for a driver licence can be considered. The DSA or CBC driving examiner can also carry out an enhanced test for wheelchair accessible vehicle drivers and a separate wheelchair exercise test for drivers who have already passed the normal taxi test for saloon drivers. Drivers who have a pass certificate for the enhanced test will not need to undergo further wheelchair accessible vehicle training.

The Council reserves the right to request a Pass Certificate from the DSA or a CBC driving examiner from current licence holders if their driving ability is brought into question.

Wheelchair Accessible Vehicle Training

Once licensed, arrangements shall be made by the Council for drivers of wheelchair accessible vehicles to receive training in the loading and unloading of wheelchairs and their passengers and also in relation to their wheelchair use. (Unless they already hold a pass certificate for an enhanced test for drivers of wheelchair accessible vehicles)

Medical Assessment

The Council requires all driver applicants to produce a certificate signed by a registered practitioner to the effect that he/she is physically fit to drive a hackney carriage or private hire vehicle.

In line with DVLA recommendations, the Council applies the DVLA Group II driver standard for medical fitness for Hackney Carriage and Private Hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public.

Diver applicants must produce the completed Medical Certificate provided by the Council. **The certificate must be completed by the applicant's own GP or a medical practitioner with access to the applicant's medical history.** The applicant is responsible for paying the fee for the examination.

The medical certificate will be valid for 6 months, after which either a new medical certificate will be required or a letter from the GP who carried out the original examination confirming that there has been no change in the medical fitness of the applicant. Once the medical certificate is 12 months old, a letter will no longer be accepted and a new medical will be required.

PROPOSAL NOTES – To ensure accuracy

Medical certificates are required:-

- Up to the attainment of age of 45 – on first application for a licence;
- Between the ages of 45 and 64 – every 5 years;
- On attaining the age of 65 – annually.

In addition, the Council reserves the right to request a driver to undertake a medical at anytime where there is reasonable doubt over a driver's fitness.

Driver Vehicle Licensing Agency (DVLA)

All DVLA driver information is stored electronically by the DVLA. Driver applicants and licence holders will need to provide a DVLA photo card together with a print out of the electronically stored information when asked to do so. The DVLA report should be printed no more than 7 days before submission.

Disclosure and Barring Service (DBS)

Criminal record checks on driver applicants are an important safety measure. The Council requires enhanced disclosures to be carried out through the DBS. These disclosures include details of spent convictions, police cautions and intelligence by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for Hackney Carriage and Private Hire driver licences. Applicants are required, therefore, to disclose all convictions, including those that would normally be regarded as spent.

Only DBS checks applied for through Central Bedfordshire Council Hackney Carriage and Private Hire Licensing Section will be accepted. Any applicant for a new licence, or the renewal of an existing licence, is required to provide details of all criminal, motoring and licensing convictions including fixed penalties, spent convictions and cautions. In addition, applicants are required to disclose details of any matters of which they are currently being investigated. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council and failure to reveal all such matters will be taken into consideration when applications are considered.

The Council will normally require renewal applicants to undertake a DBS check every three years. However, the Council reserves the right to request a DBS check at any time during this three year period and any costs must be paid by the licence holder.

List of documents to accompany a DBS application

A DBS check cannot be carried out unless an identity is confirmed. Applicants will need to provide original documentation (no photocopies) with their application form in order to verify:-

- Full name
- Date of Birth
- Driving Licence Number
- Passport Number
- National Insurance Number
- Current address

The following documents are acceptable:

Group 1

- Current valid passport (any nationality)
- Current UK Driving Licence photo card
- Original UK Birth Certificate (issued at the time of birth) full or short version.
- Biometric residence permit (UK)

Group 2a

- Current driving licence (old style paper version) – UK/Isle of Man/Channel Islands.
- Birth Certificate (UK and Channel Islands) issued after the time of birth by the General Registrar Office/relevant authority.
- Marriage / Civil Partnership Certificate (UK and Channel Islands)
- Adoption Certificate (UK and Channel Islands)
- HM Forces ID Card (UK)
- Fire Arms Licence (UK and Channel Islands)

Group 2b

- Mortgage Statement (UK or EEA) **
- Bank or building Society Statement UK or EEA) **
- Bank or Building Society account opening confirmation letter (UK)
- Credit Card Statement (UK or EEA) *
- Financial Statement** e.g. Pensions, endowment, ISA (UK)
- P45/P60 statement (UK or Channel Islands) **
- Council Tax Statement (UK or Channel Islands) **
- Work Permit / Visa (UK) **
- Utility Bill (UK) ** (Not mobile telephone bill)
- Benefit Statement e.g. Child Allowance, pension. *
- A document from Central or Local Government, Government Agency or Local Authority giving entitlement (UK and Channel Islands) * e.g. Department for Work and Pensions, the employment service, Customs and Revenue, Job Centre, Job centre Plus or Social Security.
- EU National ID Card
- Cards carrying the PASS accreditation logo (UK and Channel Islands)

* Less than 3 months old

** issued within the past 12 months

These documents must be from different sources e.g. one bank statement and one Council Tax Bill, not one bank statement and one credit card from the same bank.

There are three routes for establishing an applicant's identity either:-

Route 1

Applicants will need to produce one document from Group 1 and two further documents from Group 1, 2a or 2b. (One of which must verify an applicant's address).

Route 2

Applicants will need to produce three documents from Group 2 comprising of:

1 document from Group 2a

2 further documents from Group 2a or 2b, one of which must verify an applicant's current address

Route 3

Applicants will need to produce the following documents:

Birth Certificate (UK and Channel Islands) issued by the Registrars (Photocopies are not acceptable)

4 other documents from Group 2 comprising of:

1 document from Group 2a

3 further documents from Group 2a or 2b, one of each must verify an applicant's address.

If applicants are unable to produce the documentation required in Route 3, they will be asked to attend a Police Station for fingerprint identification.

Applicants who have not lived in the UK for the past 5 years.

Applicants are required to provide a full five year UK address history on the DBS application form. Any applicant who cannot provide a complete five year UK address history will need to submit a Certificate of Good Conduct, or its equivalent, from the appropriate Embassy or Consulate. The certificate must be an original copy and, if not in English, must be accompanied by an original certified translation from a sworn translator.

Prevention of Illegal Working

The Council has a duty to ensure that all those individuals it grants a licence to are entitled to work in the UK.

Applicants do not need a permit to work in the UK if they are:-

- A British Citizen
- An EEA Citizen
- A Swiss National

EEA countries are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

Applicants from another country will need a work permit before they can work in the UK. Applicants are responsible for ensuring that they comply with the conditions attached to their work permits.

International students may be allowed to work here when they are studying. Applicants with a student visa can normally work:-

- Outside term time
- Up to 20 hours a week during term time

However, if international students do work, they cannot:-

- Take a permanent, full time position.
- Run a business
- Work for themselves (self-employed)

Applicants who were born outside the UK

Applicants who do not hold a current European Economic Area or European Union passport must be able to provide documentary evidence that they are eligible to live and work in the UK. Applications will not be accepted if an applicant cannot supply the relevant documents. **Licences will only be granted to drivers whose leave to remain in the UK is valid for at least eighteen months from date of application for a licence.**

Application Procedure – New Applicants

The following documents must be submitted by applicants for a new combined Hackney Carriage / Private Hire driver licence:

1. Completed application form.
2. Knowledge test pass certificate.
3. Group II medical certificate.
4. Completed DBS application together with appropriate identity documents.
5. DSA or CBC taxi or private hire pass certificate.
6. Valid Driving Licence
7. Completed DVLA Mandate
8. Evidence of entitlement to work in the UK
9. Appropriate fee

If the application is withdrawn or refused, the fee will be refunded minus the current administration fee. **Where an application is refused and is subject to an appeal, further charges will be incurred by the Council and no refund will be given.**

Where a payment is not honoured, the processing of the application will cease immediately until the fees have been cleared. Any additional bank charges incurred by the Council must be paid by the applicant

Application Procedure – Renewal Applicants

The following documents must be submitted by applicants wishing to renew their licences:

1. Completed renewal application form
2. Group II medical certificate (if required)
3. Completed DBS application together with appropriate identity documents (if required)
4. Valid Driving Licence
5. Completed DVLA Mandate (if required)
6. Evidence of ongoing entitlement to work in the UK, if necessary
7. Appropriate fee

Existing licence holders must apply to renew their licence in good time. Please allow at least 10 days to enable licensing staff to issue a renewal licence. **Any application received by the Council after the expiry date of the present licence will be deemed to be a new application and not a renewal of an existing licence.**

PROPOSAL NOTES – To provide clarity to drivers who wish to renew a licence after it has expired.

Any applicant who presents a cheque which is not honoured will have the licence immediately suspended and this will be subsequently be revoked unless the payment is honoured within seven days of the driver being advised by the Council. Any additional bank charges incurred by the Council must be paid by the driver.

Duration of Hackney Carriage / Private Hire Driver Licences

The standard duration of a driver licence is 3 years although a licence can be issued for a lesser period in specific circumstances. However, DBS disclosures are only valid for a period of 3 years. A fresh disclosure must, therefore, be carried out to cover the duration of the licence period applied for.

Complaints

Any driver against whom a complaint is laid must attend the office of the Authorised Officer within five working days after having been informed of the complaint if requested to do so.

Failure to attend for interview when requested to do so may lead to suspension or revocation of a licence.

Must be Licensed

Your attention is drawn to Section 46 of each of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 which require all drivers of Hackney Carriage and Private Hire vehicles to hold a licence issued by the Council. In addition, it is an offence which may affect the insurance to allow any unlicensed person to drive any licensed vehicle.

Guidelines for Combined Hackney Carriage and Private Hire Drivers

Standard conditions for combined hackney carriage / private hire drivers can be found at **Appendix A**

Convictions, Cautions and Conduct

In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merits and in line with the Council's Criminal Conviction Policy, a copy of which is attached at **Appendix B**

Code of Good Conduct

The council requires all drivers to adhere to a Code of Good Conduct and, failure to do so, will be taken into consideration in disciplinary matters. The Council's code of good conduct can be found at Appendix C

PROPOSAL NOTES – To promote the Council's licensing objectives.

Byelaws in respect of Hackney Carriages

Drivers of Hackney Carriages must have regard to the Hackney Carriage Byelaws, a copy of which can be found at Appendix D

Drivers of Hackney Carriages

Drivers of Hackney Carriages are reminded that:

- **The meter must be used for every journey in Central Bedfordshire (even if it is booked in advance through a Private Hire Operator) However, a driver may accept a fare less than that shown on the meter.**
- **If a fare is agreed in advance of a hiring, the meter must still be used and the cost of the agreed fare must not be more than that shown on the meter.**

- **If a journey ends outside the district (of Central Bedfordshire), the meter must still be used but the driver can tell the prospective hirer that he/she intends to charge a greater rate than that shown on the meter.**
- **A driver of a hackney carriage may not ply for hire outside of Central Bedfordshire.**

Compliance with Legislation

Drivers will comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Public Health Act 1875, the Local Government Act 1972 and the Transport Act 1985 in respect of hackney carriage and private hire matters. In addition, drivers will comply with the following legislation:-

Disability Discrimination Act 1995 / Equality Act 2010

No driver may refuse to assist a passenger in a wheelchair unless the driver can produce a medical certificate signed by a registered medical 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. The notice of exemption must be displayed on the on the windscreen or dashboard of the vehicle.

No driver may refuse to carry a guide or hearing 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. The notice of exemption must be displayed on the windscreen or dashboard of the vehicle.

Health Act 2006

The legislation requires that:-

- All vehicles used to transport members of the public are smoke free
- All such vehicles are required to display 'No smoking' signage in a prominent position in all vehicles. The sign should carry the international red 'no smoking' symbol.
- All reasonable steps are taken to ensure that employees and customers are aware that the vehicles are legally required to be smoke-free.

It should be noted that the driver of a taxi or private hire vehicle is unable to smoke in the vehicle even if they do not have any passengers or are off duty.

Touting – Criminal, Justice and Public Order Act 1994

It is a criminal offence to tout on any road or public place. Hackney carriage and Private Hire drivers (or any other person) must not approach the public and invite them to be carried for hire in a vehicle.

Wearing of Seatbelt Regulations 1993

Drivers must conform to the Motor Vehicle (Wearing of Seat Belt) Regulations 1993 and any other legislation regarding the carriage of children.

Refusal to Issue or Renew or the Suspension or Revocation of a Driver Licence

The Council may refuse to issue, suspend, revoke or refuse to renew a licence on any of the following grounds:

- Any conviction for an offence involving dishonesty, indecency or violence
- Any offence, or non-compliance with the provisions of the Town Police Clauses Act 1847 or Local Government (Miscellaneous Provisions) Act 1976
- Any other reasonable cause

Where the Council consider that, in the interests of public safety, a suspension or revocation should take place with immediate effect, the driver will be informed and he or she will not be able to continue working pending any appeal.

Appeals Procedure

Any person aggrieved by the refusal, suspension or revocation of a driver licence may appeal to the Magistrates Court within 21 days of a decision being made.

HACKNEY CARRIAGES (VEHICLES)

A Hackney Carriage is a wheeled vehicle that carries passengers in return for payment. It may be hailed in the street or from a taxi rank in the area of the Council with which it is licensed. It is distinguished from a Private Hire Vehicle which also carries passengers for reward, but must be pre-booked with a Private Hire Operator. A Private Hire vehicle cannot be hailed in the street or from a taxi rank.

A Hackney Carriage may also be pre-booked to pick up and carry passengers for reward either within or outside the area in which it is licensed. There has been an increasing practice of Hackney Carriages being used for Private Hire purposes outside of the Central Bedfordshire Council area. The High Court has provided guidance as to the proper approach to be taken when considering an application made for a Hackney Carriage licence by someone who does not intend to ply for hire in the area of the authority, but only applies for a Hackney Carriage licence in order to carry out pre-booked fares in other areas.

The guidance states that the Council has discretion to refuse to licence a Hackney Carriage that is not intended to be used to ply for hire within its own area.

Therefore, if an applicant has no intention to ply for hire (to a material extent) in the Council's area, there will be a presumption that a licence should not be granted.

Hackney Carriage Byelaws are used to control the conduct of both the drivers and proprietors of Hackney Carriages. The Council's Byelaws can be found at **Appendix D**.

In addition, the Council has imposed conditions relating to Hackney Carriages. These conditions can be found at **Appendix E**

Booking Records for Hackney Carriages

There has been an increasing practice of Hackney Carriages being used for Private Hire purposes, i.e. pre-booking of vehicles. As a result of this, a condition will be added to the Hackney Carriage (vehicle) conditions requiring that booking records are kept of all such prearranged bookings. In addition, it will be necessary for Hackney Carriage applicants to state whether they intend to use the vehicle out of district for private hire purposes . Full details can be found at Appendix E.

PRIVATE HIRE VEHICLES

A Private Hire vehicle is a motor vehicle constructed or adapted to seat fewer than 9 passengers which is provided for the hire with the services of a driver for the purpose of carrying passengers. Every hiring for a Private Hire vehicle must be pre-booked through a licensed Private Hire Operator.

The conditions attached to Private Hire vehicles can be found at **Appendix F**

Private Hire (Special Events) Vehicles (Stretched Limousines)

Stretched limousines have a legitimate role to play in the private hire trade by meeting a public demand. However, the Council is concerned that the converted vehicle is built to certain safety and environmental standards. Such vehicles are, therefore, subjected to conditions in addition to the standard Private Hire Vehicle conditions. The conditions attached to Private Hire (Special Events) vehicles can be found at **Appendix G**.

Exemption from displaying Plates and Door Signs

The display of external identification on a licensed Private Hire vehicle is important in terms of public safety and reassurance. It indicates to the travelling public that, prior to being licensed, both the vehicle and the driver have been subjected to checks. However, the legislation allows a Council to exempt certain vehicles from the need to display plates and door signs when the vehicle is used for chauffeur services and executive work.

The Council is keen to support its licensed Operators and proprietors in their attempt to secure corporate business. It recognises that there may be occasions when the requirements to display external identification may deter some corporate customers from using the service. However, requests for exemption should not be used when the vehicle is used for regular private hire bookings or because the proprietor objects to displaying door signs.

The type of work that would be considered for an exemption from displaying external signs would include:-

- Contracts with senior personnel of large companies to carry managing directors or their clients.
- Contracts with national or local government or similar agencies to carry senior personnel and guests on official business;
- The carriage of well known personalities such as sports stars.
- Other situations would be considered on their own merits.

It is expected that any bookings for executive work will be made by way of a written contract and that such contract would be in place at least 24 hours prior to the commencement of the journey. Written contracts must be made available for inspection by the Authorised officer at any reasonable time and be retained for a period of not less than 12 months.

Exempt vehicles must not display any external markings e.g. private hire plates, operator details or advertisements but must carry a letter of authority to be produced upon request. The driver must also carry his combined Hackney Carriage / Private Hire driver badge and produce it if requested. When not engaged on work covered by the exemption, the vehicle must display the licence plate and (magnetic) door signs.

Any breach of the exempt vehicle conditions could result in the vehicle having its exempt vehicle status withdrawn.

Any request for exemption must be made by the Private Hire Operator, in writing on the form provided. Such request will be assessed on its own merit and may include an inspection of the outward appearance of the vehicle together with the inspection of corporate contracts.

Applications for exemptions relating to a fleet of vehicles will not be allowed.

GENERAL REQUIREMENTS FOR ALL VEHICLES

The Council has an age policy for both hackney carriage and private hire vehicles.

All vehicles must be under 5 years of age from date of registration when new. Vehicles currently licensed will be permitted to be relicensed annually provided they pass the necessary mechanical inspection, but any replacement vehicle will be required to meet all requirements.

Mechanical Test

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. **The Transport Depots will test each vehicle in line with the Hackney Carriage and Private hire National Inspection Standards** together with the Department of Transport MOT standards and the hackney carriage or private hire conditions..

The mechanical inspection must take place no more than four weeks before the start of the vehicle licence being granted.

Once granted, the vehicle must pass an annual mechanical inspection prior to the expiry of its current licence.

PROSAL NOTES – To provide clarity to proprietors who wish to renew a licence after it has expired.

A second (six monthly) inspection will be required on any vehicle over 5 years of age. It can be carried out by any DVSA appointed garage registered to test that class of vehicle. Proprietors will be advised when a six monthly inspection is due and will need to produce a valid MOT certificate within one month. **Failure to do so may result in the revocation of the licence.**

PROPOSAL NOTES – Where the vehicle has not been tested within one month of its six monthly test being due, the current practice is to suspend the licence until the proprietor can produce an MOT certificate. It is felt that, if a vehicle cannot provide a satisfactory MOT pass certificate within one month of being required to do so, the vehicle can not longer be considered suitable for licensing as a hackney carriage or private hire vehicle.

The applicant is responsible for any fees that may be due for the mechanical test, including any retests. Fees are paid direct to the appropriate testing station.

If a vehicle fails the annual test and, in the opinion of the examiner would fail to meet the standards required by the Motor Vehicles (Construction and Use) Regulations 1978, then the plate may be removed by the Testing Centre, or any authorized Officer. Until such

time as the vehicle passes the test, and until such time as the plate is returned, the vehicle may not be used as a hackney carriage or a private hire vehicle.

Suspension of Vehicle – Section 68 Notice

Any Authorised Officer, or Police Officer, has the power at all reasonable times to inspect and test any Hackney Carriage or Private Hire vehicle (or taximeter) licensed by the Council to ascertain its fitness. If he or she is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter, he or she may, by written notice, require the proprietor to make the vehicle or taximeter available for further inspection and testing at a reasonable time and place specified in the notice. The officer may suspend the vehicle licence until such time as they are satisfied as to the fitness/accuracy. Suspension under Section 68 takes immediate effect. There is no right of appeal against such a suspension.

If the officer is not satisfied of the fitness/accuracy of the vehicle within 2 months from the issue of the suspension notice, the vehicle licence is deemed to be revoked. The proprietor will be given written notice of the revocation. There is a right of appeal against the revocation of the licence. Any appeal must be made to the Magistrates Court within 21 days of notification of the decision.

Suspension of Vehicle Licences – Section 60 Notices

The Council may suspend or revoke or refuse to renew a vehicle licence on any of the following grounds:-

1. that the vehicle is unfit for use;
2. the operator or driver has committed any offence under or has not complied with the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
3. any other reasonable cause

Where the Council suspends, revokes or refuses to renew a vehicle licence, it shall give the proprietor written notice of the grounds for the decision within fourteen days. Any appeal against the suspension, revocation or refusal must be made to the Magistrates Court within 21 days of notification of the decision.

Insurance

All vehicles must have a current valid policy of insurance at all times clearly indicating the type of insurance cover in place.

Certificates for private hire vehicles are not acceptable if they include cover for public hire purposes.

Fleet insurance certificates will only be accepted when accompanied by a schedule detailing the vehicles covered.

Requests to produce original insurance documents may be made during the licence period. Photocopies will not be accepted although a direct fax from the insurance company or broker would be acceptable. Failure to provide proof of insurance cover could result in the suspension of a licence.

If continued insurance cover for a vehicle is not purchased (e.g. if a vehicle is off the road) the proprietor must advise the Licensing Team within 72 hours and produce proof of Statutory Off Road Notification (SORN).

Vehicle Transfer

A licence may not be transferred, except with the prior approval of the council, to another vehicle. A completed vehicle transfer application form must be submitted, together with the required documentation and fee. The vehicle must comply with the council's vehicle licensing requirements.

Ownership Transfer

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. Under no circumstances may the vehicle be used as a licensed vehicle by the new owner until the licence has been transferred to that person, all documentation completed and any necessary fees paid.

Change of Address

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

Convictions

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 vehicle licence.

Dual Plating

No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions. No vehicle can be licensed as both a hackney carriage and a private hire vehicle.

Vehicle Damage

The proprietor of any licensed vehicle should report to the Authorised Officer as soon as reasonably practicable, and in any case within 72 hours, the occurrence of any accident involving the vehicle. An accident report form must be submitted to the Authorised Officer who may either inspect the vehicle or accept photographic evidence of the damage.

Mechanical Breakdown

If any vehicle becomes unfit to complete a hiring during a hiring:-

1. The driver shall be entitled to demand the fare for the distance already travelled.
2. The driver shall secure alternative transport without delay to complete the journey if the hirer wishes. If the original vehicle is repaired and completed the hiring, the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.
3. Any such **accident** must be reported to the Authorised Officer within one working day.

Inspection

The vehicle, including documents, 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

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 licensed vehicle.

Complaints

Comment [SC]: Is this an accident or an incident?

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.

Compliance

The responsibility for complying with the vehicle policy and conditions shall be the proprietors and drivers jointly and severally.

Recording Equipment

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.

Documentation

All documentation produced must be original.

The Chassis/Vin number plate and engine numbers must match the numbers recorded with the DVLA. Vehicle applications cannot be accepted without a copy of the vehicle registration document or, in the case of a new vehicle, purchase sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with chassis numbers that do not correspond to the paperwork, the Council may inform the Police Vehicle Identification Section who will undertake checks to ensure the vehicle is not stolen.

Vehicle Application Procedure

The following documents must be submitted, either by post or in person, for new and renewal vehicle licences:-

1. Completed application form, signed by the applicant.
2. The vehicle registration document (V5).
3. Valid certificate of insurance
4. The appropriate fee.
5. Any documentation specifically referred to with regard to hackney carriage or private hire vehicles.

Although applications may be made by post, plates must be picked up in person at one of the Council's offices.

Applications should be made no later than 10 working days prior to the licence expiry date. Upon receipt of a correctly completed application form, the necessary authorisation will be given to enable applicants to book a mechanical test at either Luton Borough Council's Transport Depot or Bedford Borough Council's Transport Depot.

Vehicle licences cannot be issued until the Certificate of Compliance and proof of current insurance cover has been produced. Although every effort will be made to issue a licence and plate straight away, there may be occasions when this is not possible. Proprietors should allow minimum period of two days, therefore, from receipt of the Certificate of Compliance to the issue of the vehicle licence and plate.

The proprietor is responsible for ensuring that the Certificate of Compliance is produced to the Licensing Section. The Transport Depots do not issue Certificate of Compliance direct to the Authority.

Renewal vehicles must pass their annual inspection prior to the expiry of their current licence.

Any vehicle not tested before its current licence expires will be considered as a new application.

PROPOSAL NOTES – To provide clarity to proprietors who wish to renew their licence after it has expired.

Exceptional Condition

Any Council which imposes an age limit on its vehicles must be prepared to consider applications where the condition of the vehicle is deemed as being so exceptional as to merit waiving normal policy.

The following exceptional criteria and guidelines will be applied to such applications:-

A vehicle of exceptional condition where the components i.e. mechanical, body panels, paint, interior and trim are maintained to a high standard of repair as supported by the relevant certification and exceed those normally associated with the age of the vehicle;

- (a) The vehicle must pass the Council's vehicle inspection.
- (b) The bodywork should be in near perfect condition with no sign of age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
- (c) The interior trim, panels, seating and carpets should be in excellent condition, clean, free of damage and discolouration.

- (d) The vehicle service record can be used as supporting evidence of exceptional condition in that the vehicle would normally be expected to demonstrate regular servicing and maintenance in accordance with the manufacturer's service specification.
- (e) An independent vehicle data check can be used as supporting evidence of the vehicle's history.

PRIVATE HIRE OPERATORS

A Private Hire vehicle may only be despatched to a customer by someone who holds a Private Hire Operator licence. In addition, the Private Hire vehicle can only be driven by a licensed Hackney Carriage / Private Hire driver and all three licences must be issued by the same authority. In other words, all three licences must 'match'. It is a criminal offence to operate a Private Hire vehicle and / or driver without an Operator's licence.

The standard conditions attached to a Private Hire Operators are attached at **Appendix H. Please note these conditions are likely to be attached to all licences but should not be treated as an exhaustive or definitive list of conditions and the Council has the power to impose additional or different conditions as it sees fit.**

Operator Legislation Tests

All new applicants for a Private Hire Operator Licence shall be required to successfully undertake a knowledge test relating to relevant legislation, licence conditions and policies.

Criminal Records Checks

All new Private Hire Operator applicants, including part owners or other persons with an interest in the Operators Licence, are required to submit a signed Statutory Declaration, listing all convictions, with their application form (unless they already in possession of a Hackney Carriage / Private Hire driver licence in which case an Enhanced DBS check will already have been carried out).

Applicants for renewal of a Private Hire Operator licence who are not licensed as drivers will be required to provide a signed Statutory Declaration every third year.

Applicants who have not been resident in the UK for 5 years

All new Private Hire Operator applicants, including part owners or other persons with an interest in the Operators licence, are required to submit a Certificate of Good Conduct, or its equivalent, if they have not been resident in the UK for the previous 5 years.

Insurance

The Operator is required to produce a current and original insurance document for Employees/Public Liability cover. This cover must be in place when Operators are employing any full or part-time staff (e.g. radio operator, drivers etc.)

Application Procedure

The following documents are to be submitted in person, or by post for a new or renewal application:

1. Application Form
2. Licence fee
3. Details of all vehicles and drivers to be operated.
4. Public liability/employer liability insurance certificates
5. Two current full face colour passport type photographs (new applicants)
6. Signed Statutory Declaration (if necessary)
7. Current Driving Licence (new applicants)
8. Valid Passport (new applicants)

Licence Duration

Licences are normally issued for a period of five years (a licence can be issued for a lesser period in specific circumstances)

The grant of an Operator's licence does not allow the use of the premises as a Private Hire Operator's base in the absence of planning permission.

The Private Hire Operator's office / base must be located within the Central Bedfordshire Council area to enable access to the premises and records as required. Consideration may be given for premises located within 5 miles of the border of Central Bedfordshire but in these circumstances the Council is likely to impose additional conditions to ensure operators compliance with legislation and the licensing regime as well as to assist with enforcement.

PROPOSAL NOTES: The current practice requires applicants who wish to operate from a premise outside the Central Bedfordshire district to make their representations to the Licensing Committee. This proposal will, therefore, mean that such applications do not need to go before Committee.

An example of the additional conditions would be for all new Private Hire Operators to hold a licence with the Local Licensing Authority for the area the premises is located as well as with Central Bedfordshire Council. The Operator will need to demonstrate an intention to 'operate' within Central Bedfordshire Council's area. 'Operate' means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle. Operators will be required to install a separate dedicated telephone number for customers in Central Bedfordshire to use, and maintain an independent operation for their Central

Bedfordshire Council Operator licence, separate from operations it carries out under an Operator licence held with another authority. These example conditions can demonstrate an intention to operate within Central Bedfordshire but should not be taken as an exhaustive or definitive list. Applications from Operators with premises outside the border will be considered on an individual basis and if granted conditions applied as considered appropriate by Central Bedfordshire Council. The Council reserves the right to refuse an application it is not satisfied the Operator will operate lawfully and within its borders.

PROPOSAL NOTES: There is no prohibition on one person or company holding more than one operator licence. However, if the Operators' licences have been granted by different authorities, the records must be kept separate. This is because all three licences must 'match'. Any vehicle despatched to a customer by someone who holds a licence with Council A must use a vehicle licensed by Council A and it can only be driven by a driver who is also licensed by Council A. It is a criminal offence to operate a Hackney Carriage / Private Hire vehicle and / or driver without all three licences matching. If an operator cannot fulfil a booking for any reason, he can pass it on to an operator licensed by another Local Authority. However, the Private Hire Operator must record full details of the subcontract.

Record Keeping

The Operator is required to keep records of each booking, including the name of the passengers, the destination, the name of the driver, the number of the vehicle **and any fare quoted at the time of booking**. Full details of the record keeping requirements can be found in **Appendix H**.

Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an Officer of the Council or Police.

Change of Home Address

Any changes in the home address of the Operator must be notified within seven days to the Council's Licensing Section.

Convictions / Cautions

The Operator must notify the Council in writing within seven days of any caution or conviction being imposed.

