

# **Hackney Carriage and Private Hire Licensing – Policy and conditions of Licence**

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## Definitions

Appeal	A review of our decision. Appeal is to the Magistrates' Court or the Crown Court. The Courts may uphold our decision (agree with the Local Authority) or overturn it (agrees with you).
Conviction	A court determines a person is guilty of an offence
Conviction free period	A period without any convictions
DBS	Disclosure and Barring Service
District	The area covered by Stevenage Borough Council
Driver vehicle.	The person licensed by a local licensing authority to drive a licensed vehicle.
DVSA	Driving Vehicle Standards Agency
DVLA	Driver and Vehicle Licensing Agency
Fit & proper person	A person who we think has the right skills and ability assessed throughout the application process, because, for example, they: <ul style="list-style-type: none"><li>• Are no threat to the public</li><li>• Have a good knowledge of the district</li><li>• Are healthy</li><li>• Are of good character</li></ul>
GP	General Practitioner
Hackney Carriage/Taxi	A vehicle that can carry passengers for hire or reward. The vehicle can be hailed by its passenger from the street; can park on a rank while waiting for its passenger; is available for immediate hire.
Mitigating circumstances	Circumstances, which can be presented to the Council authority to explain what happened which may reduce its seriousness and aid with determination of an application
MOT	Ministry of Transport – annual motor vehicle inspection
New vehicle	Those that are being licenced for the first time. Vehicles whose licences (hackney carriage/taxi or private hire vehicles) have expired and subsequently apply. Where an existing vehicle

licences expires, the subsequent application for a licence for that vehicle will be treated as a first-time application and the standards and criteria relating to first time applications will be applied.  
An application to change a vehicle will be required to meet the criteria for a new vehicle.

Operator	An individual or business that invites or accepts bookings for private hire, and sometimes, hackney carriage vehicles.
Person	The term 'person' applies to both individuals and bodies corporate and unincorporated.
PHO	Private Hire Operator
PHV	Private Hire Vehicle
Private hire vehicle	A vehicle that can carry passengers by prior arrangement only through a licensed operator.
Proprietor	The person(s), partnership or company named on, and who are in possession of a licensed vehicle.
Refuse/ Refusal	A decision made not to give the licence.
Revoke	To take away a licence permanently.
Suspend	To take away a licence temporarily.
The Council	Stevenage Borough Council
Written warning	A report or letter stating that an issue has caused the Council concern in regard to a person's suitability to hold a licence. Similar or repeat behaviour in the future could lead to suspension, or revocation of a licence.
Working Days	Monday to Friday, excluding public/bank holidays.

## **1. Introduction**

1.1 This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Stevenage Borough Council (“the Council”) the duty to carry out its licensing functions in respect of hackney carriages/taxis and private hire vehicles.

### **1.2 Policy objectives**

1.2.1 Hackney carriages/taxis and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door to door service in various circumstances, including where public transport may not be available or for those with mobility difficulties.

1.2.2 In setting out its policy, the Council seeks to promote the following objectives:

- Public safety;
- The protection of the environment;
- Ensuring an efficient and effective taxi and private hire provision;
- To provide and maintain a professional and respected taxi and private hire trade by continued monitoring and improvement of standards of service

1.2.3 The aim of the licensing process is to regulate the hackney carriage/taxi and private hire trade in order to promote the above objectives. It is the Council’s wish to facilitate professional and responsible businesses, who respond sensitively to the wishes and needs of the general public, whilst maintaining high standard of service provision.

1.2.4 When considering this policy, the Council has tried to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

### **1.3 Departure from the policy**

1.3.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out therein.

1.3.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However, it is likely that departures from policy will be restricted to exceptional circumstances, not used to circumvent the reasonable requirements of the Policy.

1.3.3 Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so will be given. The Commercial & Licensing Manager may authorise a departure from the policy in accordance with this section if they consider it necessary in the specific circumstances and will advise Councillors of such decisions.



1.3.4 All applicants are expected to meet the requirements of this policy. Should an applicant be able to demonstrate that a minor departure from this policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Commercial & Licensing Manager may authorise a licence to be issued.

## **1.4 Policy duration**

1.4.1 This policy will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance, and best practice.

1.4.2 Administrative amendments to this policy (required by virtue of legislative changes, revised statutory guidance, a Council restructure, or administrative procedural changes) may be made by the Commercial & Licensing Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.

1.4.3 The policy will be periodically reviewed to ensure it remains fit-for-purpose and either amended where necessary or approved for continuation by the General Purposes Committee.

1.4.4 Minor amendments to the policy may be authorised by the Commercial & Licensing Manager in consultation with the relevant Executive Member and the Chair of the General Purposes Committee. For the purposes of this section, a minor amendment is any amendment that is an administrative change.

1.4.5 In the event of any significant amendment to the policy, a full public consultation will be undertaken prior to consideration by the General Procedures Committee who may amend the policy as it deems appropriate. For the purpose of this section, a significant amendment is defined as one that:

- will have significant financial impact on applicants, licence holders or the public
- will have a significant procedural impact on applicants, licence holders or the public
- may not be perceived by the trade or the public to be consistent with the policy objectives set out in section 1.2 above.

1.4.6 It is anticipated that the amendments to the policy will happen in relation to the transfer of the fleet to zero emission vehicles following the step changes required by the UK Government as and when they arise.

## **1.5 Application Procedures and Service Standards**

1.5.1 The Council will:

- Initiate processing of any new or renewal application within four (4) working days of receiving a completed application form and all associated documentation;
- Process any other amendments or adaptations to licenses, such as change of address within four (4) working days of receipt of all required documents and forms

1.5.2 It is the applicant's responsibility, whether at application or renewal to ensure their documents are received in a timely fashion by the Council in order to grant or renew a licence. The Council has no responsibility in ensuring that the operator or driver is aware of all of their licence expiry dates relating to their badge and vehicle plate licences. As a matter of courtesy, reminders to existing licence holders may be issued in advance of the expiry date of the current licence via email.

1.5.3 A first-time applicant is required to complete all checks and tests within twelve (12) months of the Council receiving the application. After this timeframe, the application will be void requiring the applicant to restart the process.

1.5.4 Any application renewal that has been received by the Council with less than fifteen (15) working days prior to the expiry of the current licence cannot be guaranteed to be renewed before the expiry of the current licence and, consequently, the licence may expire. In this case the driver or vehicle concerned would not be licensed and unable to work. The Council is not responsible for delays due to the actions of external bodies such as the Disclosure and Barring Service (DBS) or the Driver and Vehicle Standards Agency (DVSA).

1.5.5 During the time between the expiry of the old licence and renewal being granted, no licence will be in place. Any person (driver or operator) working in between expiry and renewal will therefore be treated in the same way as an unlicensed individual and the appropriate enforcement action will be considered.

1.5.6 The Licensing Authority may share all information with other public bodies such as other councils, the Police, Home Office Immigration Compliance Enforcement, National Anti-Fraud Network (NAFN), Driver Vehicle Standards Agency (DVSA) and Her Majesty's Revenue and Customs (HMRC). Information will only be released in response to a properly made formal request and where there is a valid reason to do so, for example investigation of a criminal offence. The Council will contact other authorities where individuals that have been licensed elsewhere for any relevant information to the application being considered.

1.5.7 The Council will consider all applications, on their own merits, once it is satisfied that the application's criteria have been met and the application form and supporting documents have been correctly completed and received by the Council.

1.5.8 The Council will also have regard to its Suitability Policy (Appendix 1) when considering both new and renewal applications for dual driver's and operator's licences.

### **1.5.9 Taxi Forum**

1.5.9.1 The Council works closely with the trade on a day-to-day basis and also organises a taxi forum to advise, notify and discuss issues that may affect licence holders. All licence holders with Stevenage are welcome to attend and participate.

1.5.9.2 The forum is arranged so that there are a minimum of 3 meetings a year.

## **2. Private Hire and Hackney Carriages/taxi Licenses**

2.1 Licensing authorities can issue two types of licence allowing individuals to act as hackney carriage/taxi or private hire drivers while driving appropriately licensed vehicles. In Stevenage, dual licences are issued to drivers, enabling them to work as a hackney carriage/taxi driver or private hire driver. A licence is also issued to private hire operators and proprietors of vehicles. All licences (driver, vehicle and operator) must be issued by the same authority.

2.2 Hackney carriages are public transport vehicles which are licensed to "ply for hire". They can:

- carry passengers for hire or reward
- be hailed by prospective passengers in the street
- park on a rank to await the approach of passengers.

2.3 These vehicles have a roof light with the word TAXI on them. They have a yellow plate affixed to the rear which carries details of the expiry date, licence number and vehicle registration.

2.4 Private hire vehicles are public transport vehicles. However, a private hire vehicle cannot ply for hire or stand in a rank. It must be pre-booked with a private hire operator usually by telephone or via the internet.

2.5 They have a green plate affixed to the rear and carries details of the expiry date, licence number and vehicle registration. These vehicles are not insured to ply for hire.

### **2.6 Licence fees**

2.6.1 The legislation and established case law provides that licence fees should be sufficient to cover the costs of inspecting vehicles, providing taxi stands and administering the control and supervision of hackney carriages/taxis and private hire licence holders.

2.6.2 Other aspects of attaining and renewing a licence, such as knowledge tests, spoken English tests, DBS checks, medical checks etc will be charged to the applicant separately.

2.6.3 The fees currently required for the grant or renewal of hackney carriages/taxi and private hire licences are published on the Council's website. The fees are reviewed annually as part of the Council's fees and charges process.

## **2.7 Payments**

2.7.1 The Council accepts payment by debit or credit card only. The Council will be introducing on-line payments in the near future and will allow applicants to pay their licence fees using this method. A launch date for on-line payments has yet to be announced.

## **2.8 Refunds**

2.8.1 Ordinarily, the Council will not offer a refund to applicants or licence holders for fees paid to seek or renew a licence if the application is not completed. Should a licence be voluntarily surrendered, the Council does not offer a refund for the remaining portion of the licence that is redundant. Licences that are suspended, revoked, or are removed during the life of the licence will not be applicable for refund.

## **2.9 Duplicate copies**

2.9.1 Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will be paid to cover the administrative costs in providing the copy.

# **3. Role of the hackney carriage/taxi and private hire trade**

3.1 The hackney carriage/taxi and private hire fleet provide a transport provision that fulfils a gap where buses, trains and other public transport services cannot; in that buses stop operating at particular times and offer reduced services on certain days and persons with mobility issues may prefer a hackney carriage/taxi or private hire vehicle to transport them rather than other forms of public transport.

## **3.2 Accessibility**

3.2.1 The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

*Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare,*

*as well as social and family life is significantly improved when journeys become accessible.*

3.2.2 It is arguable that different accessibility considerations should apply between taxis and private hire vehicles in that taxis can be hired in the street or at a rank, by the customer dealing directly with a driver whereas private hire vehicles can only be booked through an operator. As such, a private hire booking is pre-planned and a choice of vehicle and company can be made, whereas a hackney carriage/taxi booking can be an immediate decision to hire and as such, these vehicles should offer accessibility to as many of the population as possible.

3.2.3 The Council considers it particularly important that a person with a disability should be able to hire a suitable accessible vehicle with the minimum delay or inconvenience. Having an acceptable proportion of accessible hackney carriages/taxis and private hire vehicles available helps ensure that this is possible; therefore, the Council will require and actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010 and any subsequent equalities legislation.

3.2.4 The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 has amended the Equalities Act 2010 and places duties on drivers to

- accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.

3.2.5 Private Hire Vehicle operators will be required to accept bookings for or on behalf of any disabled person if they have a suitable vehicle available.

### **3.3 Taxi Tariff**

3.31 Hackney carriages/taxi tariff is set by the Council. They are the maximum fee that can be imposed and can be negotiated and agreed by the customer to be lower. The driver cannot request a higher fee than the tariff.

3.3.2 The General Purposes Committee of the Council agreed that the taxi tariff will be reviewed annually, usually the first meeting of the new Committee (July). The Council will consult with the trade and follow the appropriate procedures detailed the Local Government (Miscellaneous Provisions) Regulations 1976.

3.3.3 The maximum fares currently prescribed by the Council are available on the Council's website. The taxi tariff must be displayed in each relevant vehicle so that it is visible to all customers.

3.3.4 For journeys that start or end outside the district, they can be negotiated prior to the commencement of the journey without using the meter. Unless

such an agreement is reached prior to the start of the journey, the fare charged should reflect the meter amount. For all other journeys, the meter must be used.

3.3.5 Some private hire vehicles use a meter to cost their fares. Where a taximeter is used, it must meet the current taxi tariff issued by the Council. The licence holder has the discretion to agree a fare with the customer at the time of booking and the driver should not request more than the agreed amount.

3.3.6 hackney carriages/taxis and private hire drivers must, if requested, provide a written receipt for the fare paid.

## **4. Powers and duties**

4.1 The Council is obligated to regulate hackney carriage/taxi and private hire vehicles, driver and private hire operators in the Borough. This is derived from the following legislation;

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847 (as amended)
- Road Safety Act 2006 (Sections 52-53)
- Immigration Act 2016
- Deregulation Act 2015
- Equality Act 2010

4.2 The aim of the above legislation and the Council's duty to licence is to ensure the public is safe and protected. This includes persons using hire vehicles and the wider public who can be affected by the use or misuse of the licenced vehicles.

4.3 The Council achieves this by ensuring;

- The fitness and propriety of any person applying for, or holding, a hackney carriage/taxi, private hire, or dual driver's licence;
- The suitability, roadworthiness, mechanical soundness and visual appearance of any vehicle licensed, or proposed to be licensed, as a hackney carriage or private hire vehicle;
- The fitness and propriety of any person applying for, or holding, a private hire operator's licence; and
- The prevention of unlicensed persons from carrying out any of the regulated activities, through proactive-, reactive enforcement and compliance work to detect and, where appropriate, take action against such persons.

4.4 The Council has defined its understanding of the meaning of 'fit and proper' at Appendix 2.

4.5 It is anticipated that all applicants and renewal applicants are aware of this Policy, its purpose for being in place and can meet the standards outlined in the Policy.

4.6 The Council's enforcement procedure for hackney carriage/taxi and private hire licence holders is outlined in Appendix 3.

## **5. Authorised Officers**

5.1 All Officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations, are responsible for the day-to-day operation of the Council's Hackney Carriage and Private Hire Licensing Policy, except for any issues reserved for the Commercial & Licensing Manager, Senior Environmental Health & Licensing Manager or General Purposes Committee.

5.2 Some aspects of this policy are reserved for particular posts.

5.3 The Commercial & Licensing Manager is responsible for;

- The management of the Council's authorised officers
- Departures from the policy in accordance with section 1.3.3
- Changes to the administration process set out in section 1.5
- The issuing of Stop Notices under section 68 of the Local Government (Miscellaneous Provisions Act 1976
- Revocation of existing licenses
- Amendments to this policy as described in 1.4.2

5.4 The Senior Environmental Health & Licensing Manager is responsible for;

- Fulfil the Commercial & Licensing Manager's responsibilities in their absence
- Setting the hackney carriage/taxi and private hire licensing fees and charges
- Authorise prosecutions of licence holders

5.5 The General Purposes Committee is responsible for;

- The annual review of the taxi tariff
- The decision to refuse to renew existing licence
- The decision to refuse a new licence

## **6. Whistleblowing**

6.1 The Public Interest Disclosure Act 1998 provides protection for those who have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or code of conduct.

6.2 The Council has an effective internal procedure for staff to raise concerns on any council function, including the Licensing Authority function and for any concerns to be dealt with openly and fairly.

## **7. National Register of Taxi Licence Refusals and Revocations (NR3)**

7.1 The Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3): a mechanism for licensing authorities to share details of individuals who have had a hackney carriage/taxi or private hire vehicle licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest and in the exercise of official authority vested in the licensing authority. This means the Council considers it meets these requirements because it is necessary to assess whether an individual is a fit and proper person to hold a hackney carriage or private hire licence. Where a hackney carriage/ private hire vehicle licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.

7.2 All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application. This is a mandatory part of applying for a hackney carriage or private hire driver licence.

7.3 The information recorded on NR3 it will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

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

7.5 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR) any searches, provision or receipt of information under NR3 is necessary for our statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

7.6 Under the GDPR an applicant has rights which include the right to request a subject access request. This is a copy of all your personal data that the Council hold. You can submit this request by accessing the following webpage: <https://www.stevenage.gov.uk/about-the-council/access-to-information/freedom-of-information/freedom-of-information-act>



7.7 If you wish to rely on any other GDPR rights you can see what they are on the Council's website: <https://www.stevenage.gov.uk/about-the-council/access-to-information/data-protection-act>

7.8 You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

## **8. Right to Licence**

8.1 Upon application for drivers and operators, a suite of checks is undertaken to ensure the applicants are legally able to work in this licensable area.

8.2 Prior to an application being progressed applicants as hackney driver/taxi and private hire drivers and private hire operators must be able to demonstrate their legal right to licence. The Council is unable to presume a legal right of any applicant to work in the UK and as such is required to ensure these checks on all applicants are carried out.

8.3 The two checks for right to licence are;

- right to work in the UK
- a tax check

8.4 The Immigration Act 2016 has amended existing licensing regimes in the UK to prevent illegal working in the taxi and private hire sector. Since 1 December 2016, the provisions in the 2016 Act have prohibited all licensing authorities across the UK from issuing licences to anyone who is disqualified by reason of their immigration status. This duty is discharged by the Council through conducting immigration checks. The 2016 Act also embeds other immigration safeguards into the existing licensing regimes across the UK.

8.5 The provisions mean that driver and operator licences are not issued to people who are unlawfully present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

8.6 If you're an individual, company or any type of partnership you must complete a tax check if you're:

- renewing a licence
- applying for the same type of licence you previously held, that ceased to be valid less than one (1) year ago
- applying for the same type of licence you already hold with another licensing authority

8.7 First time applicants do not need to complete a tax check and should follow the 'confirm your tax responsibilities' guidance if you have:

- never held a licence of the same type before

- had a licence of the same type that ceased to be valid one (1) year or more before making this application

## **9. Drivers**

### **9.1 Drivers competency**

9.1.1 Legislation states before granting a licence for a hackney carriage or private hire driver, the Council must satisfy itself that:

- The applicant is a fit and proper person to hold a driver's licence; and
- The applicant is authorised to drive a motor car by holding a valid driving licence and has been so for at least twelve (12) months.

9.1.2 In accordance with the 1976 Act, licences may not be granted to any person who has not been authorised to drive a motor car for at least twelve (12) months, or who is not so authorised at the time of application.

9.1.3 The Council requires applicants for hackney carriage/taxi or private hire driver's licences to demonstrate their competency by passing the tests described below.

9.1.4 Upon initial application for a licence with the Council;

- Knowledge Test
- Spoken English Test
- Disclosure and Barring check
- Medical suitability
- DVSA Licence check
- Professional driving test

9.1.5 Upon renewal, applicants must provide;

- an in date medical certificate, where applicable
- DBS check
- DVLA check
- Right to licence check

9.1.6 Drivers are also required to complete suitable safeguarding training for children and vulnerable adults from a choice of providers nominated by the Council.

### **9.2 Knowledge Test**

9.2.1 The Council requires licensed drivers to have a good working knowledge of the area for which they are licensed. All new applicants are required to complete the Council's knowledge test, which covers the following parameters;

- Knowledge of Council's licensed district and its immediate surroundings;

- the Highway Code;
- the statutory legislation relating to hackney carriage and private hire vehicle use;
- the conditions of licensing for hackney carriage vehicles, private hire vehicles, drivers and operators within the Stevenage licensing district;
- relevant road traffic legislation; and
- basic numeracy and literacy

9.2.2 The knowledge test, successfully completed is valid for the period of time the application has to run before it comes void. For example, the test taken in month one of the application process it remains in date for eleven (11) months.

9.2.3 The knowledge test is completed under exam conditions. The invigilating Officer will maintain these conditions throughout. This means that applicants;

- will be turned away if they do not arrive on time
- will fail their test should their behaviour be inappropriate, for example, talking, use of mobile phones, being disruptive.
- Must undertake the test and complete it without obtaining assistance from others; such as copying another applicant's answers, or otherwise trying to gain an unfair or improper advantage.

### **9.3 Spoken English language**

9.3.1 All applicants will be required to take an English language test. It assesses an applicant's proficiency in the speaking, reading, listening and understanding of the English language. Drivers are required to understand written documents such as policies and guidance, particularly in relation to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation, by communicating with passengers and being able to understand their interaction with others. The Council expects that proficiency in communicating and understanding English is vital to ensure the licensed driver is safe and can deal with potentially volatile customers that they may encounter during their work. It is also important that the customer can easily communicate with the licensed driver, as necessary.

9.3.2 The spoken English test is provided by an external provider. The current pass mark ensures applicants:

*Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialisation. Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.*

### **9.4 Unsuccessful completion of Knowledge and spoken English Tests**

9.4.1 Applicants undertaking these tests can re-sit the tests on two (2) further occasions. Should an applicant fail each test on three (3) occasions, they are unable to apply for a further test until three (3) months has elapsed to enable the applicant to reflect and develop their skills in the areas which led to failure of the test.

## **9.5 Driving Proficiency and Qualifications**

9.5.1 All applicants undertake a driving assessment as part of the application process to ensure they are suitably competent to drive professionally.

## **9.6 Vulnerable adult and child safeguarding**

9.6.1 As a profession, hackney carriage/taxi and private hire drivers have a special responsibility for the safe transportation of fare paying passengers.

9.6.2 All applicants for a hackney carriage/private hire driver's licence will be required to complete;

- disability awareness training (Equality Act 2010)
- approved safeguarding training for vulnerable adults and children, in order to obtain a licence.

9.6.3 Existing drivers will be required to complete disability awareness training and safeguarding training that is recommended by the Council within twelve (12) months of the introduction of this policy.

## **9.7 DVLA Driving Licence**

9.7.1 Applicants will be required to produce their current, full driving licence showing the applicant's current home address for inspection at the start of the initial application process.

9.7.2 Applicants are required to provide a DVLA check code with their application so that their current driving licence record can be checked. We will also require applicants to sign a consent form to enable similar checks to be possible during the validity of their licence if their application (where it is successful). These checks will be carried out both in a targeted manner, i.e. when information is received that raises potential concerns about a driver's record, and also on randomly to ensure that drivers are advising us of any driving offences. Drivers refusing to supply driving licence information on request may be suspended with immediate effect if it is considered that this is necessary for the protection of the public. The application form includes a section where the applicant signs to give their consent for this check.

9.7.3 All applicants must hold a full UK driving licence. The Council requires any applicant who holds a driving licence issued by a non-UK country to obtain a British licence, prior to making their application. This will ensure that

the applicant is formally recorded on UK driving licence databases and may be allocated licence endorsements and penalty points for motoring offences committed in the UK, thus creating an ongoing record on driving conduct of a type relevant to professional drivers. The British licence must be produced on making an application. Individuals can exchange their existing licence to a British one using the following link: <https://www.gov.uk/exchange-foreign-driving-licence>

9.7.4 Where an applicant has less than three (3) years on their UK driver's licence, any licence issued by the Council will expire when the UK driver's licence expires. An application to renew the licence must be accompanied by evidence of the renewed entitlement to drive in the UK.

9.7.5 As part of the renewal process, applicants are required to provide a DVLA check code with their application so that a driver's licence check can be undertaken with the DVLA.

9.7.6 If a licence holder has been disqualified from driving during the validity of the licence, the Council will suspend or revoke the licence(s) held by that person.

## **9.8 Medical Examination**

9.8.1 The following is an extract from The Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance: -

*It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. It is common for licensing authorities to apply the 'Group 2' medical standards - applied by DVLA to the licensing of lorry and bus drivers - to taxi and PHV drivers. This seems best practice.*

9.8.2 The Council requires each applicant, for the grant of a driver's licence to undergo all components of a Group 2 medical examination to assess their physical, mental and visual fitness to drive a licensed vehicle. The medical practitioner must state whether, in their opinion, the applicant/driver complies with the standards and are medically fit to drive hackney carriages or private hire vehicles. The medical examination report must be returned to the Council before a licence will be determined.

9.8.3 Where the medical practitioner has stated that they do not consider the applicant to be medically fit, in accordance with the Group 2 standards, to drive hackney carriage or private hire vehicles, the Council will refuse the application.

9.8.4 Applicants for the initial grant of a driver's licence must undergo the medical examination prior to the grant of the first licence. Thereafter licence holders will be required to undergo a medical examination on reaching forty-five (45) years of age and every five years thereafter. On reaching the age of

sixty-five (65) years, applicants will be required to undergo an annual medical examination.

9.8.5 Medicals will need to be completed by your own GP or by another suitably qualified medical practitioner who has had access to your medical records. This should be no older than three (3) months at the time of the application/resubmission.

9.8.6 Licensed drivers must advise the Council as soon as reasonably practicable, but no later than five (5) days after notification, of any deterioration of their physical, mental or visual health that may affect their fitness to drive a licensed vehicle.

9.8.7 Where there is any doubt as to the medical fitness of any applicant or licence holder, the Council may require that person to undergo a medical examination by a medical practitioner nominated by the Council.

## **9.9 Diabetic applicants/drivers**

9.9.1 Diabetic applicants are not precluded from obtaining a driver's licence. Diabetic applicants/drivers whose treatment carries a risk of inducing hypoglycaemia, such as insulin treatment or certain types of tablets, further documents are required. In addition to a medical certificate confirming that the applicant satisfies the Group 2 standards (which make specific provisions for various types of diabetes treatment), additional documents will be required;

- In all such cases, we will require a signed declaration from the applicant, confirming that they will;
  - Comply with the directions for treatment issued by the Doctor supervising that treatment;
  - Immediately report to the Council, in writing, any change in your diabetic condition;
  - Provide the Council evidence that blood glucose monitoring is being undertaken at least twice daily and at times relevant to driving a hackney carriage or private hire vehicle for employment.
- In the case of applicants undergoing insulin treatment, the Council will also require a letter from a Consultant Diabetologist confirming that the applicant has been undergoing insulin treatment for a minimum of four weeks.

## **9.10 Disclosure and Barring Service (DBS) Checks**

9.10.1 All applicants are required to obtain an Enhanced DBS Certificate with Barred Lists check and to provide this to the Council. The initial certificate must be obtained through the Council; certificates obtained through other authorities will not be accepted. All applicants are also required to maintain their Certificates through the DBS Update Service throughout the life of their licence. In line with the DFT standards, we will conduct DBS

checks every 6 months. Anyone who wishes to be a licensed driver must obtain a disclosure at the enhanced “Other Workforce” level.

9.10.2 In the interest of public safety, an applicant/driver that appears on the Barred List for children or adults will be refused a licence.

9.10.3 Furthermore, applicant details will be sent to Hertfordshire Police to obtain any further information that may be relevant to the Council in determining the application via the Common Law Police Disclosure.

9.10.4 Hackney carriage/taxi and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and therefore all criminal convictions can be taken into account by the Council when assessing safety and suitability. “Protected convictions” and “protected cautions” will not be taken into account.

9.10.5 Applicants for all licence types are required to disclose on their first application all convictions, cautions, warnings, or reprimands received by completing the relevant section of the respective licence application form. The applicant is also required to declare any ongoing criminal investigations, prosecutions, or similar legal proceedings involving them.

9.10.6 Failure to declare any conviction, or caution can affect your suitability as a driver. The Council will address any failures to declare in accordance with its enforcement procedure for drivers.

9.10.7 Applicants, who have lived outside of the UK and have been resident in the United Kingdom for less than five years, will also be required to provide Certificate(s) of Good Conduct (Citizenship) from each country that they have resided in for the five (5) years prior to obtaining residency in the UK.

Guidance is available via

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

9.10.8 All licence holders are required to inform the Council in writing within forty-eight (48) hours if they are arrested, charged, or convicted of an offence or formally interviewed as a suspect by the Police. This is to allow the Council to consider any public safety concerns and take appropriate action. Failing to notify us is likely to result in more severe enforcement action (even where the issue in itself does not lead to revocation and or prosecution).

## **9.11 Exemption Certificates**

### **9.11.1 Carriage of wheelchairs: medical exemption certificates**

9.11.1.2 Given that the main reasons for a taxi or private hire vehicle driver to request a medical exemption are likely to be back or muscle-related injuries, which are not likely to be conducive to driving for long periods, the Council expect the number of drivers likely to be eligible for an exemption to be low.

9.11.1.3 Drivers will need to provide medical evidence to support their application.

9.11.1.4 Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist/consultant medical practitioner and the Council will require evidence of the condition to be provided from them.

### **9.11.2 Carriage of assistance dogs: medical exemption certificates**

9.11.2.1 The main reasons a taxi or private hire vehicle driver may wish to apply for a medical exemption are:

- if they have a condition such as severe asthma, that is aggravated by contact with dogs;
- if they are allergic to dogs; or
- if they have an acute phobia to dogs.

9.11.2.2 The Council therefore expects the number of drivers likely to be eligible for an exemption to be very low.

9.11.2.3 Drivers will need to provide medical evidence to support their application.

9.11.2.4 If a driver has severe asthma or a known allergy to dogs, they are likely to have a medical history and an appropriate medical specialist should hold relevant information about their condition. If a driver has a chronic phobia to dogs, the Council expects this to be supported by a report from a psychiatrist or clinical psychologist before a driver is granted an exemption. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist/consultant medical practitioner and the Council will require evidence of the condition to be provided from them.

### **9.11.3 Suitable medical professionals: medical exemption certificates**

9.11.3.1 Examples of suitable medical professionals include, but are not limited to:

- medical specialist/consultant;
- specialist nurse (for example, an asthma nurse); or
- the Council's nominated independent doctor.

9.11.3.2 In exceptional circumstances, where no other alternatives are available, the Council may consider evidence from the applicant's General Practitioner.



9.11.3.3 The applicant will be responsible for all costs associated in the provision of the necessary medical evidence.

## **9.12 Length of a Dual Drivers Licences**

9.12.1 The grant of a hackney carriage/taxi and private hire driver's licence will usually be for a period of three (3) years. Applicants and drivers renewing their licence can request a one (1) year licence.

## **9.13 Good driver standards**

9.13.1 Good driver standards for those driving hackney carriages/taxis and private hire vehicles have been developed to promote the Council's licensing objectives. The standards expected are detailed in Appendix 4. These standards outline how a driver demonstrates their 'fit and proper' status.

9.13.2 Drivers are required to comply with all parts of this Policy including all requirements of the Policy and conditions that form a part of their licence. Any driver who contravenes the Policy or any of these conditions may be deemed not fit and proper to hold a licence.

# **10 Vehicles**

## **10.1 Limitation on numbers**

10.1.1 The Council has a maximum number of hackney carriages/taxis that are able to be licenced to one hundred (100). This restriction has been in place for a number of years. The Council routinely monitors the restriction via an unmet demand survey, carried out every three years.

10.1.2 The last unmet demand survey was undertaken in 2017. Due to the effects of the Coronavirus pandemic in 2020 and subsequent effects on the public's behaviour, a survey was not conducted in 2020 or 2021. In November/December 2022, an unmet demand survey has been conducted and the findings identify .....

10.1.3 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

## **10.2 Disclosure check for Proprietors**

10.2.1 As part of the Council's duty to ensure public safety, all proprietors are required to provide a basic disclosure certificate from the Disclosure & Barring Service (DBS) with every vehicle application.

10.2.2 The Council will consider whether an applicant or licence holder with a conviction for offences provided in the Appendix 1, other than those relating to driving, meet the 'fit and proper' threshold.

10.2.3 In many cases individuals who apply to license a vehicle may already be licensed as a driver. If an applicant is already a licensed driver in Stevenage, they do not need to complete a basic disclosure.

10.2.4 Vehicle licences may be applied for by a company or partnership. In those circumstances, the Council will apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective, proprietors are required to advise the Council of any change in directors or partners.

### **10.3 Vehicle Type**

10.3.1 Licensed vehicles shall have Provisional GB Type Approval and be compliant with the Road Vehicles (Construction and Use) Regulations in effect at the time of application.

10.3.2 All hackney carriage/taxi and private hire vehicles must:

- Be suitable in type, size, and design for use as a Hackney Carriage or Private Hire Vehicle
- Be capable of carrying not less than four (4) nor more than eight (8) passengers
- have a minimum engine size of 1390cc or produce a minimum of 89bhp
- have a minimum of four opening doors, two on each side of the vehicle, except for London style taxis and mini-bus style vehicles which should have a minimum of two doors provided for the exclusive use of passengers.
- Have a minimum passenger seat width of 16" (41 cm) per passenger
- Be provided with sufficient luggage space for the number of passengers for which the vehicle is licensed.
- Be finished in a manufacturer's standard colour
- Be right hand drive, except for stretched limousines. This is to ensure passengers travelling in the front passenger seat can exit the vehicle directly onto the pavement rather than directly into the carriageway.
- Be maintained to a high mechanical standard, hence any MOT advisory relating to tyres or brakes must be rectified before a licence is granted or renewed.

10.3.3 The Council also reserve the right to extend this requirement to other MOT advisories where they deem it necessary for the protection of the public. When an MOT is undertaken during the life of the licence, advisories must be addressed, as above, to avoid further action including the suspension of the licence.

10.3.4 All vehicles must be maintained to their original specification whilst the license remains in force. This includes all supporting systems such as air conditioning, heated screens etc.

10.3.5 All vehicles must be maintained to a high visual standard of appearance both internally and externally in particular, the exterior of the vehicle shall:

- Be free of large and/or sharp-edged dents
- Be free of visible rust
- Be free of unrepaired accident damage
- Have uniform paintwork equivalent to that applied by the manufacturer
- Be maintained in an acceptable state of cleanliness
- The interior shall:
  - Be free of all stains to the upholstery
  - Be free of all splits and tears to the upholstery
  - Be maintained in an acceptable state of cleanliness.

10.3.6 For the avoidance of doubt, any vehicle that would not pass an interim vehicle inspection or a MOT must not be used until such time as the requirements of the Interim Vehicle Inspection and MOT testing can be met.

## **10.4 Environmental Considerations and environmentally friendly fleet**

10.4.1 The Council have given careful consideration to the recommendation in the Guidance that, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles and considers its responsibility in protecting the environment to be a predominate factor within licensing policy, particularly given the Council's declaration of a climate emergency and its target to reach net zero by 2030.

10.4.2 The Council requires all new vehicles to be less than five (5) years old when first licensed, therefore meeting Euro 6 emission standards. All vehicles are required to undertake six (6) monthly MOT inspections to ensure they are maintained, mechanically, at a high standard and that emissions do not exceed the legislative standard for the age and fuel type of the vehicle.

10.4.3 Emissions from hackney carriages/taxis and private hire vehicles could be further reduced through education and raised awareness of environmental issues. Simple measures such as:

- better and more frequent vehicle maintenance and servicing; or
- switching off engines when stationary or idling, particularly at taxi ranks, can make a significant environmental impact considering the number of licensed vehicles. The Taxi Forum have an important role to play in raising awareness of environmental issues.

10.4.4 The Council will seek to strike an appropriate balance between protecting the environment and ensuring sufficient transport provision in the Borough. The Council is particularly aware that many elderly and vulnerable residents are dependent on hackney carriage/taxis and private hire vehicles to undertake essential journeys i.e. shopping, social interaction and medical appointments. Additionally, hackney carriage/taxis and private hire vehicles are an essential part of the transport infrastructure for many other persons, particularly school children and those without their own means of transport.

10.4.5 The Council is aware of the Government's intention to introduce a ban on the sale of new petrol, diesel and hybrid cars in the UK by 2035 at the latest.

10.4.6 All new vehicles be less than five (5) years old to receive a licence.

10.4.7 The Best Practice Guidance recognises that older cars can be in good condition to maintain a licence. The Council recognises that older cars have higher emission standards that will affect the Council's concern and its declaration of a climate emergency in Stevenage. As such, to meet the Council's objectives, vehicles will be required to meet an age criteria to remain licenced in the coming years;

- From 1 January 2024 all existing vehicles that are classed as Euro 4 will not be renewed.
- From 1 November 2026 all existing vehicles classed as Euro 5 will not be renewed.

## **10.5 Reduced licence fees**

10.5.1 The Council encourages the use of cleaner, low emission vehicles as taxis or private hire vehicles and will offer a subsidised licence fee for electric or hybrid vehicles to encourage vehicle owners to consider changing to cleaner fuels.

## **10.6 Idling**

10.6.1 All hackney carriage/taxi and private hire vehicles **MUST** switch off engines when stationary; NO vehicle is to be idling at any time particularly at taxi ranks, when parked and whilst awaiting/dropping-off passengers. This will have a significant positive environmental impact considering the number of licensed vehicles within Stevenage. All licensed taxis and private hire vehicles will be required to display an anti-idling sticker provided by the Council inside the front windscreen or on the front dashboard reminding drivers of the need to switch off the engine when stationary.

## **10.7 Vehicle testing**

10.7.1 In order to comply with the Council's vehicle testing requirements a vehicle must obtain a current MOT pass certificate every six (6) months. For newly registered vehicles, the Council requires the MOT to be completed six (6) months after the licence has been issued. For other newly licensed vehicles, a MOT certificate must be provided at application that was undertaken in the recent six (6) months.

## **10.8 MOT advisories**

10.8.1 Any MOT advisory relating to tyres or brakes must be rectified before a licence is granted. We also reserve the right to extend this requirement to other MOT advisories where we deem it necessary for the protection of the public.

## **10.9 Vehicle accidents**

10.9.1 Any accident involving a hackney carriage or private hire vehicle that causes damage materially affecting:

- the safety, performance or appearance of the vehicle, or
  - the comfort or convenience of the passengers,
- must be reported to us as soon as reasonably practicable, and in any case within seventy-two hours of the accident.

10.9.2 With the safety of the public being a predominate factor of this Policy, all vehicles involved in an accident, however minor, will be required to have a vehicle inspection with a Licensing Officer.

10.9.3 In the case of only cosmetic damage, a timescale for repair will be set by the Council at the end of which the vehicle must be presented to the Licensing Officer. If the repair is not satisfactory to meet the vehicle standards, that vehicle cannot continue to operate as a hackney carriage/taxi or private hire vehicle until such time as the vehicle would meet the inspection requirements.

10.9.4 For more major damage, the Council anticipates that the vehicle will be repaired so as to ensure the vehicle is roadworthy and safe. A MOT inspection will be required on the repaired vehicle and a Licensing Officer inspection will be carried out to ensure the vehicle meets the conditions for a licenced vehicle.

10.9.5 The Council may suspend the use of a licensed vehicle until it is suitably repaired and conforms to the Council's conditions.

10.9.6 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided:

- the damage to, or defect in, the vehicle has been reported to the Council,
- an application is made in the prescribed manner for a temporary vehicle licence,
- the replacement vehicle meets the requirements of this Policy and is suitable to be used for hire purposes.

## **10.10 Signage**

10.10.1 Hackney Carriages must be fitted with an illuminated external sign mounted on or above the roof of the vehicle or have a built-in illuminated roof sign. The sign must display either:

- The word "TAXI"
- The name and/or telephone number of the taxi company
- The words "FOR HIRE", or
- Any combination of the above.

10.10.2 The roof light must be illuminated when available for hire and switched off when the vehicle has been hired.

10.10.3 Internal “FOR HIRE” signs may be fitted in Hackney Carriages but must comply with the requirements above regarding illumination.

10.10.4 Private Hire Vehicles must not carry a roof sign of any description or have any markings that may give the impression that it is a taxi.

10.10.5 Internal “FOR HIRE” signs are not permitted in Private Hire Vehicles.

10.10.6 Private Hire Vehicles must display a Council issued sticker on each side of the vehicle stating that the vehicle is only able to undertake pre-booked journeys.

## **10.11 Livery**

10.11.1 The Council believes that the requirements of this policy ensure that Hackney Carriages/taxis and Private Hire Vehicles can be easily distinguished. There is no current requirement for specific vehicle livery.

10.11.2 However, the Council will keep the issue of livery under review and if it believes that livery would be of benefit to public safety, either in terms of specific vehicle colours and/or a Council logo, then a public consultation will be undertaken prior to any livery being introduced.

## **10.12 Licence Plates**

10.12.1 For the avoidance of doubt a licenced vehicle is always a licenced vehicle including when being used for private purposes.

10.12.2 At all times when a vehicle is licensed as a taxi or private hire vehicle, unless an exception has been granted, the vehicle must display the licence plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle. Plates attached by magnets must not be removed when the licenced driver is not working at any time, unless when parked overnight outside the driver's home.

10.12.3 At all times when a vehicle is licensed as a taxi or private hire vehicle, the vehicle must display the internal vehicle licence plate provided by the Council, securely fixed to the upper left of the windscreen (passenger side).

10.12.4 The licence plates must be always clearly identifiable and legible to the public.

10.12.5 For the avoidance of doubt, vehicles that are used for a combination of ‘exempt’ work and normal private hire work will be required to always display external licence plates when the exemption does not apply.

10.12.6 Exemption to the requirements of subsection 10.12.2 may be given to private hire vehicles used for executive hire, corporate contracts, school contracts or work of a similar nature. To qualify for exemption:

- a written letter of exemption issued by the Council must always be carried in the vehicle,
- the licence plate must always be carried in the vehicle,
- the vehicle must be undertaking the nature of work for which the exemption was granted.

### **10.13 Advertising**

10.13.1 No more than five (5) external advertisements shall be permitted on taxis or private hire vehicles.

10.13.2 External advertisements shall be confined to the door panels or the rear of the vehicle and must be restricted to the name, logo or insignia, telephone number, social media or other contact details of the owner or operator of the vehicle.

10.13.3 No advertisement shall obliterate, obscure or be confused with the vehicle's Licence Plate.

10.13.4 Internal advertisements are permitted on the windscreen or rear window but must be:

- no more than ten (10) centimetres in height,
- positioned so that they do not obstruct the driver's view in any way, and
- be restricted to the name, logo or insignia, telephone number, or other contact details of the owner or operator of the vehicle.

10.13.5 The display of 'no smoking' signage as required by legislation and/or signage indicating that the vehicle can convey passengers in wheelchairs is not considered to be advertising.

10.13.6 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community.

10.13.7 The owner of any vehicle displaying an advertisement that does not conform to this section of the policy will be required to remove the offending advertisement. Until such time as the offending advertisement has been removed; the vehicle licence will be suspended.

### **10.14 Tyres**

10.14.1 The licensed vehicle must be fitted with all the same tyre type, whether asymmetric, directional or multi-directional, including the spare wheel. All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.

10.14.2 If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.

10.14.3 Original Manufacturers' Specification 'tyre repair kits/compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards and have not date expired. If a 'tyre repair kit/compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit/ compressor' is being used on the vehicle.

## **10.15 Vehicle dual plating**

10.15.1 The Council will not grant a taxi or private hire vehicle licence for any vehicle already licensed by another licensing authority.

## **10.16 Communication Devices**

10.16.1 All two-way radio equipment must be of a type currently approved by, and fitted securely in accordance with guidelines published by, the Radio Communications Agency.

10.16.2 The use of radio scanning devices is prohibited, and such devices must not be fitted or carried in the vehicle.

## **10.17 Card Machines**

10.17.1 By 1 January 2024 all licensed hackney carriages/taxis and private hire vehicles must be fitted with a credit or debit card reader to enable passengers the option to pay by credit or debit card. The card reader/device must be capable of providing the option to the passenger to supply an email address or alternative communication for a receipt or capable of printing a receipt. All passengers should be provided with a receipt unless they advise the driver that they do not require one.

10.17.2 Should a passenger wish to pay by cash the driver must ask the passenger if they require a receipt. If the passenger requires a receipt, the driver must provide one which accurately states the time and date, driver number, journey detail and fare. All receipts must be produced on carbon paper. The driver is to retain all receipts given and produce to a licensing officer upon request. Failure to produce a receipt upon request could see the driver liable to enforcement action being taken.

10.17.3 Licence holders are reminded that they are data handlers when dealing with personal information such as names, addresses, emails addresses and telephone numbers and must comply with the requirements of data protection regulations and GDPR. Breaches of data protection regulations may impact on the ability to hold a licence with the Council.



## **10.18 CCTV systems**

10.18.1 Stevenage Borough Council is very aware that drivers of hackney carriage and private hire vehicles, being lone workers, are vulnerable to unlawful acts whilst providing a service to the public and can offer reassurance to the travelling customer.

10.18.2 As such, the Council actively supports the installation of approved CCTV systems in hackney carriage and private hire vehicles. In some circumstances, the installation of a CCTV system is a condition of licence. Any CCTV systems installed in a licenced vehicle must fully comply with the requirements set out in the Councils Guidance for CCTV Systems (Appendix 5).

10.18.3 No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

10.18.4 CCTV must be clearly indicated to the passenger by signs in the vehicle that includes contact details for the system manager/operator.

10.18.5 For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of a vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle.

## **10.19 Hackney Carriage Meters**

10.19.1 All licensed hackney carriage must comply with the following requirements. An approved calendar taximeter must be fitted in all hackney carriages and

- must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure,
- must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation,
- must not be capable of being manually overridden to ensure that the correct tariff is charged based on the actual date and time of the journey, and
- must be set at the correct date and time at all times throughout the period of the vehicle licence.

10.19.2 The taximeter shall be positioned so that the display on the face of the meter is clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.

10.19.3 When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

10.19.4 An official copy of the current fare tariff shall be clearly displayed and legible in the vehicle so as to be plainly visible to passengers carried therein.

10.19.5 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by us in connection with the fare tariff for the hire of hackney carriages. The taximeter should not be started until the passenger is in the vehicle ready to commence the journey.

10.19.6 In the event of such a journey commencing in, but ending outside, the Borough, the driver may charge for the journey such fare as was agreed before the hiring was affected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of hackney carriages.

## **10.20 Private Hire Meters/Personal Digital Assistant (PDA)**

10.20.1 Private hire vehicles are not required to be fitted with a taximeter, however, where a taximeter or other device for recording fares is fitted, it must be of a type approved by the Council.

10.20.2 Private hire operators must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed. If the operator intends to use the taximeter to calculate the fare, they must seek agreement from the passenger(s) at the time of accepting the booking, including the agreed point at which the meter would be engaged.

10.20.3 The use of a PDA or smart phone communication/mapping devices is permitted however they must be fitted where all passengers have an unobstructed view but must not be in a position to distract the driver.

10.20.4 Should the PDA/smart phone display a fare this must be calibrated in accordance with the approved Council fare tariff and always match the display on the fitted meter.

10.20.5 For private hire vehicles, the pre-agreed fare should be displayed on the PDA/smart phone device.

10.20.6 Should the private hire vehicle be fitted with a meter and the customer requests that the journey is made using the meter, the driver must remove the previously agreed fare displayed on the PDA/smart phone and comply with section above.

10.20.7 PDAs must not be used to calculate the fare for any journey undertaken in a Hackney Carriage/taxi.

## **10.21 Disability access**

10.21.1 All new hackney carriage/taxi vehicles must be wheelchair accessible to be licenced.

10.21.2 In the case of all licensed vehicles which are built or adapted for disabled passengers, the design of the vehicle should ordinarily ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefer vehicles to be loaded from the side it is aware that rear-loading vehicles better suit certain types of motorised wheelchair, therefore each vehicle will be assessed on its own merits.

10.21.3 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus,
- internal wheelchair anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit,
- a suitable restraint must be available for the occupant of a wheelchair.
- access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper,
- ramps and lifts must be securely stored in the vehicle before it may move off
- access ramps and/or lifts must be maintained in full working order at all times when the vehicle is available for hire.

10.21.4 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307).

10.21.5 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to safely load and convey wheelchair bound passengers.

10.21.6 At any time when a wheelchair accessible vehicle is unable to carry passengers in a wheelchair or with other disabilities, either due to a mechanical fault or driver incapacity, the vehicle will automatically be suspended and should not be used to carry passengers until full wheelchair and other disability access is available.

## **10.22 Insurance**

10.22.1 The proprietor and named drivers must have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1972, throughout the duration of the vehicle licence, including appropriate cover for hackney carriage or private hire.

10.22.2 Certificates of Insurance or cover notes that do not provide appropriate cover for a minimum of the first calendar month of a licence period will not be accepted by us. We will not issue a licence if you fail to meet the insurance requirement.

10.22.3 Where a cover note is provided as part of a licence application, a full Certificate of Insurance must be provided prior to the expiry of the cover note.

10.22.4 The registered owner of the licensed vehicle shall ensure that it is insured to our satisfaction. This must comply with all relevant legislation at all times that the vehicle is available for the carrying of passengers. In the absence of appropriate insurance, the licensed vehicle cannot be used for the carrying of passengers.

10.22.5 Only appropriately licensed hackney carriage or private hire drivers may drive the vehicle. The Council will not, therefore, accept any Certificate of Insurance that includes persons that do not hold a valid hackney carriage or private hire driver licence for the vehicle.

### **10.23 Unauthorised Use**

10.23.1 The proprietor of a hackney carriage/taxi or private hire vehicle shall not allow the vehicle to be driven and/or used for hire by any person who does not hold an appropriate current hackney carriage/taxi or private hire driver licence issued by the Council.

## **11. Private Hire Operators**

11.1 Central to the private hire industry, operators are an essential part of the private hire vehicle regulatory system under the Local Government (Miscellaneous Provisions) Act 1976. Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority, and the location of the operator's office will determine the authority from which all other licences must be obtained.

11.2 Operators play a central role in ensuring that the public are kept safe; drivers are competent to deliver the best service and that vehicles are kept in a clean, safe and sound condition at all times.

11.3 Although operators are not as customer facing with the public as drivers, their duties in ensuring the safety of the public means that the Council must apply similar checks when considering applications for licences. The Council must be satisfied that current and prospective operators are fit and proper persons.

11.4 A private hire operator licence issued by the Council will be required for any operator with an operating base that is inside the Stevenage district. As such, all vehicles and drivers operating from that base will require appropriate licences issued by the Council. This is to ensure that proper regulation and enforcement measures may be taken and that all vehicles operating within Stevenage meet the Council's Policy objectives.

### **11.1 Operator's applications**

11.1.1 Operators can be an individual, a partnership or a limited company. The completed application must be made by all relevant persons; this is particularly relevant regarding suitability and right to licence. All applicants applying as an operator must undertake the right to licence checks and demonstrate their suitability. Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors. This is particularly relevant to the questions relating to conviction, cautions, insolvency, or disqualification, because the Council must be satisfied as to the fitness and propriety of every applicant.

11.1.2 A basic Disclosure and Barring Service certificate for each applicant is required. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company application. Certificates must be issued in the full name of the relevant individual and must have been issued no earlier than three (3) months before the date on which the application is made.

11.1.3 Applicants are required to be registered with the DBS update service.

11.1.4 A driver licenced by the Council but also acting as an operator will not be required to demonstrate these tests as they have already undergone right to licence and suitability checks to attain a driver's licence.

11.1.5 Requests will be sent to the police to obtain any information that may be relevant when determining an application.

11.1.6 When all required information has been received, the application will be determined.

11.1.7 Licences will usually be granted for a period of five (5) years. However, the Council can grant licences for a shorter duration, should this be requested.

11.1.8 Operator's licences are non-transferrable. Should a licensed business be sold or passed on to a different person, the new owner of the business will need to apply for a licence. Additionally, an operator's licenced address is not transferable and will require an operator to apply for a new licence where this arises.

11.1.9 Section 62 of the 1976 Act provides a power for the Council to suspend or revoke an operator's licence on various grounds, including:

- the commission of an offence or non-compliance with the 1976 Act,
- conduct on the part of the operator which appears to render him unfit,
- any material changes in the operator's circumstances, or
- any other reasonable cause.

11.1.10 The Council has the power to prosecute an operator for breaches, including failure to keep the prescribed records, or operation of

unlicensed vehicles or drivers where evidential and public interest tests are successfully applied.

11.1.11 If an application is refused, or a licence suspended or revoked, or an operator is aggrieved by conditions added to their licence, a right of appeal to the Magistrates' Court exists. Details of how to exercise this right will be provided in the Council's correspondence with the operator at the time of the decision.

11.1.12 Upon renewal, applicants must provide;

- DBS check
- Right to licence check

## **11.2 Operating Name**

11.2.1 Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator. Any proposed trading name will be authorised where the name does not offend or be discriminatory in any way to any person.

## **11.3 Fitness and Propriety of applicants**

11.3.1 Operators must meet the fit and proper test in accordance with Appendix 2.

11.3.2 A 'person' may apply to both individuals and bodies corporate and unincorporated. A company or partnership may apply for a private hire vehicle operator's licence. The Council will apply the 'fit and proper' test to each of the directors or partners in that company or partnership. Therefore, private hire vehicle operators will be required to tell the Council of any change in directors or partners.

## **11.4 Disclosure of convictions**

11.4.1 Operators are required to inform the Council in writing within forty-eight (48) hours if they are arrested, formally interviewed as a suspect, or charged with an offence by the Police.

11.4.2 The operator shall, within seven (7) days of conviction, notify us in writing of any conviction or fixed penalty imposed during the period of duration of the operator licence. If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners receives a conviction or fixed penalty.

## **11.5 Booking and Dispatch operators**

11.5.1 Operators are required to keep a register of all staff that will take bookings or dispatch vehicles. Operators must ensure that all persons that have access to their records, bookings and contracts have:

- A basic disclosure check and completes a statutory declaration in relation to previous offences before being commencing employment; and
- Completes a new basic Disclosure at the time when the operator's licence is renewed.

11.5.2 Booking and dispatch staff engaged by the Operator must satisfy the suitability standards as set out in Appendix 1. The Operator is required to keep records of their checks and demonstrate that they have applied the Council's Suitability Policy, where necessary. An Operator is not required to keep a copy of the certificate.

11.5.3 Should a booking or dispatch operator be leave or be temporarily employed, should they be engaged again by the Operator at a later date, a new standard Disclosure Certificate is required for the Operator to fulfil their obligations.

## **11.6 Records**

11.6.1 The operator shall keep a record of every booking of a private hire vehicle invited or accepted on behalf of the operator. The Operator shall also keep a record of any vehicle operated by them, all licensed drivers engaged/employed to drive any vehicle operated by them and such record must be maintained.

11.6.2 The register and records for the operator's bookings referred to in Private Hire Operator conditions at Appendix 6, can be kept in either paper format or electronically. The chosen format should permit inspection with the minimum of delay, and in any case within 24 hours, in response to a request made under section 56(3) Local Government (Miscellaneous Provisions) Act 1976. Records kept in electronic format must be made available in a suitable, agreed format to an authorised officer of the authority or a Police Officer within 24 hours.

11.6.3 All records must be kept for a period no shorter than twelve (12) months.

## **11.7 Operator conditions**

11.7.1 The Council may attach conditions to an operator's licence. Standard conditions have been devised and will be attached to all licences. These conditions are set out in Appendix 6.

11.7.2 On occasions the Council may attach additional conditions or alter conditions in response to a specific issue raised in the application. The Council may therefore add/substitute/alter conditions as appropriate.

## **11.8 Contracting out accepted private hire bookings**

11.8.1 Legislation allows for a licensed private hire operator to sub-contract a booking to another licensed private hire operator, either inside the same

district or in a different District. Both operators must be licensed within the area in which their operating base is located and should record details of the booking in the normal way.

11.8.2 All three licences (operator, driver and vehicle) must still be issued by the same local authority. For example, an operator licensed to operate in district A and district B cannot take a booking in district A and use a vehicle and driver licensed in district B. They can however sub-contract the booking to the operating base in district B using a vehicle and driver licensed in district B.

11.8.3 The initial booking must be taken within the area in which the operator is based, and the sub-contracted booking must be taken within the area in which the subcontracted operator is based.

## **11.9 Complaints against the operator**

11.9.1 The operator is not obligated to advise the Council of complaints received.

11.9.2 A complainant will usually involve the Council where the operator has not communicated effectively with the complainant. It is recommended that when a complaint is received, an investigation is undertaken to determine whether the complaint is valid. You should revert to the complainant with the outcome of your investigation.

11.9.3 It is recommended that complaints that give rise to a significant issue are notified to the Council with a view to provide advice and direction as necessary.

## **12 Other matters**

### **12.1 Licensing of Stretch Limousines**

12.1.1 Every application to licence a stretched limousine as a private hire vehicle will be considered on its individual merits.

12.1.2 Imported stretched limousine type vehicles may;

- be granted an exemption from the requirement, under the conditions of licence for private hire vehicles, for the vehicle to be right hand drive
- be granted an exemption from the requirement to display external licence plates and door signs
- be approved for licensing as private hire vehicles subject to the additional conditions detailed in Appendix 7.



## **Appendix 1 - Suitability Policy**

A1.1 This policy provides guidance to all parties on the criteria that will be taken into account when determining whether an applicant or an existing licence holder is a fit and proper person to hold a dual driver's licence, an Operator Licence or to be the proprietor of a licensed vehicle.

A1.2 When the Council makes any decisions or takes any actions in line with this policy, the safety of the public will be its paramount concern.

A1.3 An applicant's criminal convictions record plays a significant part in the Council's determination on whether an individual is fit and proper. If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the Council that they did not commit the offence. If they seek to do so, their representation will not be considered as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.

A1.4 The Council considers Fixed Penalty Notices issued and accepted by a person as a conviction.

### **A1.2 History**

A1.2.1 The Council may take into account an applicant's history as a licence holder with this, or any other, Council. In considering whether a person is 'fit and proper', the Council may consider such matters as the applicant's complaint history, their compliance with this policy, their co-operation with licensing officers' requests, and any other reasonable matters.

### **A1.3 Rehabilitation of Offenders Act 1974**

A1.3.1 The Act supports the rehabilitation into employment of reformed offenders who have stayed on the right side of the law. Cautions and convictions (except those resulting in prison sentences of over four years and all public protection sentences) may become spent.

A1.3.2 The Act does not apply to applicants for hackney carriages/taxi and private hire drivers' licences, hence cautions and convictions do not become 'spent'. Requesting a licence to drive a hackney carriage/taxi or private hire vehicle requires the applicant to disclose

- Unspent cautions and convictions
- Unprotected spent cautions and convictions

## **A1.4 DVLA penalty points**

A1.4.1 Licensed dual drivers should provide a professional service to the public and must be aware of the safety of passengers and other road users at all times. Any traffic offence shows a lack of responsibility whilst driving either in terms of vehicle maintenance or the level of driving standards.

A1.4.2 Convictions or cautions for traffic offences will not automatically prevent an applicant from obtaining a licence, however, the number, nature and frequency of such offences will be considered. Where there is a significant history of driving offences, an application is likely to be refused.

A1.4.3 In cases of up to seven (7) unspent penalty points on an applicant's DVLA driving licence, an application may be granted depending on the nature of the offences and the frequency. A licence granted under these circumstances is likely to be issued together with a written warning as to future driving standards detailing the likely effect of further offences.

A1.4.4 In cases of eight (8) or more unspent penalty points on an applicant's DVLA driving licence, an application will be refused.

## **A1.5 Major Traffic Offences**

A1.5.1 The Council considers major traffic offences to include, but is not limited to:

- dangerous driving,
- driving whilst disqualified,
- failure to stop after an accident,
- driving without valid insurance,
- careless driving, and
- driving a vehicle with mechanical defectives (such as brakes, steering, tyres, etc.)

A1.5.2 If the dual driver applicant has been convicted of one major traffic offence, a licence application will normally be refused until the applicant has completed a period of at least three (3) years free from conviction. An existing driver will have their licence revoked.

A1.5.3 Where the dual driver applicant has been convicted of more than one major traffic offence then a licence application will normally be refused until the applicant has completed a period of at least six (6) years free from conviction. Where the combination of offences is of increased risk to the public, a period

longer than six (6) years may be substituted by the Council dependant on the extent of the risk to the public. An existing driver will have their licence revoked.

A1.5.4 If the dual driver applicant or existing driver has received a driving conviction that has led to a disqualification, a minimum period of 5 years must be demonstrated that is conviction-free prior to receiving a dual driver's licence. An applicant that has more than one disqualification conviction will ordinarily be refused a dual driver's licence, or their licence revoked as applicable.

A1.5.5 Disqualifications due to the 'totting up' procedure, the Council will require a period of twelve (12) months free of relevant convictions before an application is considered. If the applicant has demonstrated to the court exceptional hardship through the 'totting up' procedure and avoided a driving disqualification, applications will still normally be refused until there has been a period of twelve (12) months free of relevant convictions. The Council believe that the risk to the public is sufficient to maintain this consistent stance.

A1.5.6 Dual driver applicants or existing drivers found guilty of being in charge of a vehicle without insurance upon conviction will be unable to obtain a licence until a period of 5 years has elapsed since the conviction or court applied penalty (prison sentence, on licence or community service) has expired. An existing driver will have their licence revoked. Further insurance offences proven by conviction will ordinarily lead the Council to refuse an application.

A1.5.7 Private hire operators guilty of aiding or abetting the driving of persons without insurance, upon conviction, will have their operator's licence revoked and will be unable to re-apply until a conviction free period of three (3) years has passed following the expiry of a court applied penalty.

A1.5.8 Major traffic offences resulting in death caused by

- dangerous driving,
  - careless driving,
  - driving under the influence of alcohol or drugs, or
  - driving unlicensed, disqualified, or uninsured,
- due to their nature, will be considered by the Council to be an unacceptable risk to public safety and an application will be refused.

A1.5.9 Where an applicant/dual driver licence holder has been disqualified from driving by the courts under the "totting up" procedure, the Council will normally refuse an application/revoke the licence until there has been a period of twelve (12) months free of relevant convictions. If the applicant has demonstrated to the court "exceptional hardship" and avoided a driving disqualification, applications will still normally be refused until there has been a period of twelve

(12) months free of relevant convictions. The Council believe that the risk to the public is sufficient to maintain this consistent stance.

## **A1.6 Drug Offences**

A1.6.1 The Council considers all offences related to controlled substances as a serious risk to the public. A conviction can be applied to a person who takes, carries, makes drugs or sells, deals, or shares drugs (supplies them).

### **A1.6.2 Possession offences**

An applicant with one conviction for possession of a Class A drug related offence will be required to show a period of ten (10) years free of convictions following the expiry of a court applied penalty before an application is considered. Existing operators and dual drivers will have their licences revoked.

A1.6.3 An applicant with a conviction for possession of a Class B drug related offence will be required to show a period of seven (7) years free of convictions following the expiry of a court applied penalty before an application is considered. Existing operators and dual drivers will have their licences revoked.

A1.6.4 An applicant with a conviction for possession of a Class C drug related offence will be required to show a period of at least three (3) years free of convictions following the expiry of a court applied penalty before an application is considered. Existing operators and dual drivers will have their licences revoked.

### **A1.6.5 Supply or production offences**

The Council views the supply and production of illegal substances as a significant risk to the safety of the public for all persons involved in the licenced hackney carriage/taxi or private hire trade. Convictions for drug offences relating to supply or production will ordinarily lead the application to be refused and existing licences to be revoked.

A1.6.6 If an individual has previously been addicted to alcohol or drugs, an application will be impeded until the applicant can show evidence of being at least five (5) years free from addiction following the completion of a recognised detoxification programme.

## **A1.7 Violence Offences**

A1.7.1 The Council considers all violence related offences as a serious risk to the public; offences of criminal damage and public order will be treated as violent offences for the purposes of this policy.

A1.7.2 An application will be refused where the applicant has been convicted of:

- murder or attempted murder,
- manslaughter,
- any offence involving the possession of a firearm,
- any terrorism-related offence,
- racially aggravated grievous bodily harm or malicious wounding, or
- aggravated burglary.

A1.7.3 An application will be refused where the applicant has been convicted of:

- arson,
- possession of an offensive weapon,
- any racially aggravated offence (other than those listed above),
- any offence that may be categorised as domestic violence,
- violent disorder or riot,
- assault of an Officer of the Law

unless there has been a period of ten (10) years free of conviction following the expiry of a court appointed penalty. Existing licence holders will have their licences revoked.

## **A1.8 Sexual, Indecency and Sexual Exploitation Offences**

A1.8.1 As hackney carriage/taxi and private hire drivers often carry unaccompanied and/or vulnerable people, any applicant with a conviction or caution for any sexual or indecency offence (other than a major offence – see subsection B.8.2 below) will normally be refused a licence until such time as they have been free of convictions for a period of seven (7) years following the expiry of a court applied penalty.

A1.8.2 For the purpose of this policy, the following offences will be considered as major sexual, indecency and sexual exploitation offences with the highest element of risk to the public:

- rape;
- indecent or sexual assault;
- assault by penetration;
- making, distributing or possession of child pornography;
- trafficking and/or preparatory offences (defined by the Sexual Offences Act 2003); or
- sexual offences involving children or vulnerable adults
- sexual exploitation of adults
- sexual exploitation of children
- indecent exposure

A1.8.3 Any applicant/existing licence holder with a conviction for a major sexual, indecency or sexual exploitation offence will be considered an unacceptable risk to the public and any application will be refused/existing licence will be revoked.

## **A1.9 Criminal Exploitation Offences**

A1.9.1 Criminal exploitation of children and vulnerable adults is a geographically widespread form of harm that is a typical feature of county lines activity. County lines is a major, cross-cutting issue involving drugs, violence, gangs, safeguarding, criminal and sexual exploitation, modern slavery, and missing persons.

A1.9.2 For the purposes of this policy, convictions relating to drugs, violence and sexual offences are dealt with in other areas of this policy. Modern slavery, offensive weapons, firearms and inchoate offences (intentionally encouraging or assisting an offence, encouraging or assisting an offence believing it will be committed; and encouraging or assisting offences believing one or more will be committed) are a serious risk to public safety.

A1.9.3 Applicants and existing licence holders with a conviction for offences relating to criminal exploitation will be refused/revoked from holding a licence.

## **A1.10 Discrimination Offences**

A1.10.1 Hackney carriage/taxi and private hire drivers and operators have close contact with the public. As such convictions for discrimination (including hate crimes) are regarded as serious when deciding whether the applicant is fit and proper.

A1.10.2 It is against the law to discriminate against anyone because of

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

A1.10.3 Hate crime is any crime that is perceived as having been motivated (entirely or partially) by a hostility to or prejudice against a personal characteristic or perceived personal characteristic. This includes any offence that involves unlawful discrimination as an aggravating factor. Hate crime refers to offences relating to disability, gender-identity, race, religion/faith and sexual orientation.

A1.10.4 Crimes based on hostility to age, gender or appearance can also be hate crimes. Hate crime can take many forms including but not limited to

- physical attacks such as assault, grievous bodily harm and murder, damage to property, offensive graffiti and arson
- threat of attack including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate, and unfounded, malicious complaints, and
- verbal abuse, insults or harassment – taunting, offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace.

A1.10.5 If an applicant/licence holder has been convicted for any discrimination offence, the application will normally be refused until seven (7) years have elapsed following the expiry of a court applied penalty. Existing operators and dual drivers will have their licences revoked.

A1.10.6 Where the applicant for an operator's licence is a company or partnership, a conviction for discrimination against any partner, director or secretary of that body will be considered in the same way as it would be for an individual and the licence will be revoked.

## **A1.11 Dishonesty Offences**

A1.11.1 Hackney carriage/taxi and private hire drivers are expected to be persons of trust; in this position, dishonest drivers can defraud the public. This might be seen as routinely giving the wrong change or charging more than the legal or agreed fare. As such, persons who are vulnerable can be confused by the driver and accept their stance. A customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining lost property left in the vehicle. Members of the public entrust themselves to the care of licensed drivers, hence the Council considers offences involving dishonesty as a serious risk to public safety.

A1.11.2 An applicant/existing licence holder that has been convicted of an offence related to dishonesty will normally be refused a licence until such time as they have been free of convictions for seven (7) years following the expiry of a

court applied penalty. Existing operators and dual drivers will have their licences revoked.

### **A1.12 In Summary**

A1.12.1 Except for the most serious of circumstances, an applicant having a previous or current conviction will not normally be permanently prevented from obtaining a licence.

A1.12.2 The Council believe that a person convicted of an offence, who is required to wait for the expiry of a rehabilitation period prior to their application being considered, is more likely to value their licence and ensure that future convictions are avoided.

A1.12.3 The Council considers that there are, however, certain offences that are so serious in nature or frequency that an applicant should be prevented from obtaining or retaining a licence. The Council's over-riding policy objective is to safeguard the safety of the general public by ensuring that all licensed persons are fit and proper, competent and are able to maintain their vehicles to an acceptable standard at all times.

A1.12.4 By producing clear and transparent guidelines on the relevance of convictions, the Council is seeking to maintain the high standard of taxi and private hire drivers, proprietors and operators within Stevenage.



## Appendix 2 - Definition of 'fit and proper'

A2.1 The legislation requires the Council to grant a licence only if it is satisfied that the applicant is a 'fit and proper' person. This Appendix details the definition of fit and proper used by the Council and other factors the Council will consider as part of this determination. Compliance with this policy is an integral part of the fit and proper person test.

A2.2 At the time of an application, **the onus is on the applicant to demonstrate that they meet this requirement, not on the Council to demonstrate that the applicant does not.**

A2.3 When considering disciplinary or enforcement action, **the onus is on the Council to demonstrate that the licence holder no longer meets this requirement.**

A2.4 Definition of 'fit and proper'

In the absence of a judicially approved definition of "fit and proper", the Council use the test of:

*Would the Officer charged with the ability to grant a licence allow their son, daughter, spouse or partner, mother, father, grandson, granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone?*

A2.5 The wording of this test originates from Mr J T H Button BA, Solicitor, MIL, MCI Arb, a well-known and respected solicitor widely acknowledged as an authority in licensing legislation, particularly that of taxis and private hire and has generally been accepted by the Courts.

A2.6 The Council also considers further factors in determining whether applicants are fit and proper. The factors include safe drivers with a good driving records, being mentally and physically fit, being honest, and are persons who would not take advantage of their position to abuse, assault or defraud members of the public.

A2.7 Drivers in the course of their duties will carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, persons who are incapacitated from alcohol or medical conditions, lone persons and foreign visitors. Some examples of areas of concern that the Council will consider include, but are not limited to:

- Honesty and trustworthiness  
Drivers often have knowledge that a customer is leaving a property empty; they are transporting drunken, vulnerable, or foreign persons. For example, all passengers would expect to be charged the correct fare for the journey and be given the correct change; they would expect any lost property to be handed over

to the police; and they would expect confidentiality to be maintained between themselves and the driver. The public deem licenced drivers trustworthy.

- Professionalism

Drivers can be subject to unpleasant, abusive, or dishonest behaviour, albeit from a small minority of passengers. Although this is clearly unacceptable behaviour, the Council expects drivers to always remain professional and unacceptable behaviour by passengers does not excuse in any way aggressive or abusive conduct by drivers. Drivers should not confront passengers and all disputes should be resolved through the formal legal channels. Under no circumstances must drivers take the law into their own hands.

- Good and safe driving ability

Passengers are paying for a service whereby they expect to reach their chosen destination promptly and safely. Drivers must be fully conversant with all road traffic legislation and this policy and drive in a professional, lawful and safe manner at all times.

### **Appendix 3 - Enforcement of this policy**

A3.1 The Council acts as a Licensing Authority to ensure public safety. It is the Council's duty to ensure persons engaged in the hackney carriage/taxi and private hire provision in Stevenage meet the requirements of the applicable legislation and this policy. As such, the Council has the power to enforce for non-compliance.

A3.2 The Council recognises that well-directed enforcement activity by them benefits not only the public but also the responsible members of the taxi and private hire vehicle trade and will operate a proportionate disciplinary and enforcement regime.

A3.3 Principally, enforcement action will be based upon the seriousness of the breach and the possible consequences arising from it. Enforcement action will not normally, therefore, constitute a punitive response to minor technical contraventions of legislation. Repeated minor technical contraventions, however, will be subject to appropriate action.

A3.4 Enforcement action must always be consistent, proportionate and reasonable whilst ensuring that the public receive adequate protection. Determination of enforcement action may consider, but will not be limited to:

- seriousness of any offence(s);
- driver's or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- risk to the public.

A3.5 The Council will ensure that its enforcement is reasonable, transparent and proportionate and, notwithstanding this policy, the Council will consider the General Enforcement Policy (Environmental Health & Licensing).

A3.6 Reports of offences or breaches of this policy from any other licensing authority or enforcement body such as the police or civil enforcement officers will be considered by the Council. Where acceptable evidence from these authorities or bodies is received, it will be given appropriate weight as though the evidence was provided by a Council licensing officer.

A3.7 The Council will use a range of enforcement to ensure persons engaged in the hackney carriage/taxi and private hire provision in Stevenage meet the requirements of the applicable legislation and this policy.

A3.8 The range of enforcement options are;

- Informal action (including the use of penalty points scheme)
- Suspension
- Revocation
- Section 68 (stop) notices
- Refusal to renew

- Simple caution
- Prosecution

### **A3.9 Informal advice**

A3.9.1 Informal action to secure compliance includes offering advice, written warnings, and the issuing of penalty points.

A3.9.2 Informal enforcement action may be appropriate in, but not limited to, some or all of the following scenarios:

- the act or omission is not serious enough to warrant formal action;
- it can reasonably be expected that informal action will achieve future compliance;
- confidence in the driver or operator is ordinarily high;
- a non-compliance (of the law) was identified that was not an actual significant risk to public safety, or
- the consequences of non-compliance (of conditions) will not pose a significant risk to public safety.

A3.9.3 The penalty points scheme is designed to act as an awareness system to licence holders who do not meet the Council's required standards and to be an appropriate tool in a staged enforcement approach, where appropriate.

A3.9.4 The penalty points scheme does not prevent the Council from enforcing breaches of law or the Council's Policy via prosecution, should an offence meet the public interest and evidential tests.

A3.9.5 The penalty points scheme will be applied as described in Appendix 3A.

### **A3.10 Suspension**

A3.10.1 Vehicles: Compliance with the vehicle specification and conditions of this policy is essential and will be enforced by periodic, random vehicle inspections by the Council. Should any vehicle not be properly maintained, a notice will be served on the driver/licence holder setting out the defect(s) and the required action. If there is a risk to public safety, the further use of the vehicle will be suspended until the defects have been remedied and confirmatory documents inspected by a licensing officer.

A3.10.2 Drivers: The Council may exercise its discretion to suspend the operation of a driver's licence for a specified period. Ordinarily, such action will be taken where informal action is deemed inappropriate and formal legal action is not warranted or appropriate.

A3.10.3 Any suspension is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the Licensing Officer may determine that a suspension takes immediate effect and is not held pending an appeal.

### **A3.11 Revocation**

A3.11.1 All revocations are issued by the Commercial & Licensing Manager, or in their absence, the Senior Environmental Health & Licensing Manager.

A3.11.2 Where a licence holder has been referred to the Commercial & Licensing Manager because they have:

- committed a criminal offence;
- have accumulated twelve (12) or more penalty points issued under Appendix 3A;
- no longer meet the 'fit and proper' test set out in Appendix 2; or
- for any other reason whereby the policy objectives would not be met, the Commercial & Licensing Manager may revoke the licence.

A3.11.3 Any revocation is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the Commercial & Licensing Manager may determine that a revocation takes immediate effect and is not held pending an appeal.

### **A3.12 Section 68 (Stop) Notices**

A3.12.1 The Commercial & Licensing Manager or a Police Officer may serve notice in writing for a taxi or private hire vehicle, or the taximeter affixed to such a vehicle, to be examined at the Council's preferred facility at a time specified in the notice. This notice may only be served if there are concerns as to the condition of the vehicle or the accuracy of the taximeter. The vehicle may be suspended until such time as the taximeter is deemed suitable and accurate.

A3.12.2 If the Officer is not satisfied that appropriate action has been taken to allow the suspension notice to be withdrawn within a period of two (2) months from date of issue, the vehicle licence will be deemed automatically revoked.

### **A3.13 Refusal to Renew**

A3.13.1 As an alternative to revocation, the Commercial & Licensing Manager may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed. The Commercial & Licensing Manager may suspend the existing licence for the remainder of its licence period depending on the individual merits of the case.

A3.13.2 Any refusal to renew a licence is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the Commercial & Licensing Manager may determine that the refusal to renew a driver licence takes immediate effect and is not held pending an appeal.

### **A3.14 Simple Caution**

A3.14.1 The purpose of a Simple Caution as an alternative to prosecution is to:

- deal quickly and efficiently with less serious offences;
- divert less serious offences away from the Courts; and
- reduce the likelihood of repeat offences.

A3.14.2 The following criteria must be met before a Simple Caution is administered:

- there must be sufficient evidence of guilt to give a realistic prospect of a conviction;
- the offender must admit the offence; and
- the offender must understand the significance of the caution and give informed consent to be cautioned.

A3.14.3 The Commercial & Licensing Manager will issue a simple caution.

A3.14.4 Should an offender not accept the Simple Caution, the Council will consider alternative enforcement action, usually a prosecution.

### **A3.15 Prosecution**

A3.15.1 The decision to prosecute is significant as it may impact on the licence holder's future employability. Generally, the circumstances that may warrant a prosecution include, but are not limited to:

- clear disregard for legislation and/or this policy, particularly where the economic benefits/gain are substantial and provide advantage of those licence holders who are law-abiding and compliant with this policy;
- when there has been blatant and/or reckless disregard for the safety of passengers or other road users;
- where there have been repeated breaches of legislation or the requirements of this policy;
- where a particular type of offence is prevalent and a clear message needs to be sent; or
- where a particular contravention has caused serious public concern.

A3.15.2 The investigating officer will advise the Commercial & Licensing Manager of the likelihood of a prosecution. The authorisation for prosecution is made by the Senior Environmental Health & Licensing Manager.

### **A3.16 Right of Appeal**

A3.16.1 The Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 52 and 77 outline an applicant's right of appeal.

A3.17.2 Where an applicant is aggrieved by the Council's decision to refuse to grant, refuse to renew, suspend, or revoke a licence, or impose conditions on a licence the applicant has a right of appeal to the local Magistrates' Court. The only two exceptions are:

- in the case of a refusal to grant or renew a taxi vehicle licence where the appeal lies directly to the Crown Court, and
- (ii) the decision to suspend a taxi or private hire vehicle licence under s68 of the 1976 Act against which there is no right of appeal

A3.17.3 An appeal against the Council's decision must be made at the Court within twenty-one (21) days of the notification by the Council.

### **A3.18 Investigations following complaints**

A3.18.1 Complaints are primarily received against drivers from customers and other persons affected by their activity and usually relate to unprofessional behaviour; complaints are also received against Private Hire Operators. Licensing Officers will investigate all complaints and will contact the complainant, licence holder and any other party involved and obtain admissible statements.

A3.18.2 The investigation findings will be determined following an assessment of evidence collected and a decision made as to any action to be levied against the licence holder.

A3.18.3 All decisions will be in accordance with this policy and the General Enforcement Policy (Environmental Health & Licensing). Investigation outcomes will be communicated to the licence holder and complainant.

## **Appendix 3A - Penalty Points System**

A3a.1 The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this policy.

A3a.2 The Penalty Points System operates as an informal mechanism to notify drivers and operators that their actions and behaviours do not comply with either legislative requirements or their licence conditions. It serves to act as a deterrent for continuing the actions and/or behaviours and which are not compatible with this Policy's 'fit and proper' person test or national legislation.

A3a.3 Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements/legislative standards.

A3a.4 In determining whether penalty points are a suitable method to address concerns raised, the investigating officer will consider matters such as:

- previous warnings
- previous penalty point offences
- mitigating circumstances
- seriousness of the misconduct
- effect of the misconduct on the passengers, public or other drivers
- the likelihood of the misconduct being repeated
- acceptance of the misconduct/remorse for their actions
- co-operation with any investigation

A3a.5 Points issued to the licence holder will be confirmed in writing within 10 working days from the date the investigating officer has determined fault.

A3a.6 Once issued, penalty points will stay on the licence holders record for eighteen (18) months from the date they are awarded.

A3a.7 Licence holders that have twelve (12) or more points during a rolling eighteen (18) month period will be required to attend a meeting to query their actions and behaviours leading to the points. Action in accordance with this Policy's enforcement stance will be taken against that licence holder.

A3a.8 Should the enforcement be a suspension or revocation, the points will be voided.

A3a.9 There is no right of appeal against the award of penalty points by an Authorised Officer of the Council as this is not a formal sanction in its own right.



### A3a.10 Table of penalty points

<b>Misconduct</b>	<b>Points</b>
1. Being unpleasant towards a passenger or member of the public	4
2. Verbal abuse towards a passenger or member of the public	8
3. Physical abuse of any person	12
4. Rudeness towards, failure to co-operate with or obstruction of a council officer	10
5. Failing to ensure the safety of a passenger entering, alighting or whilst conveyed in a licensed vehicle	10
6. Failing to provide reasonable assistance with a passenger's luggage	4
7. Refusal to carry an assistance dog	12
8. Charging an additional amount for the carrying of an assistance dog	12
9. Failing to allow an assistance dog to travel in the passenger compartment with the passenger	10
10. Failing to assist a passenger with an assistance dog to enter or alight the vehicle	10
11. Refusal to carry a passenger in a wheelchair	12
12. Charging an additional amount for the carrying of the wheelchair	12
13. Failing to assist a passenger in a wheelchair to enter or alight the vehicle	10
14. Eating whilst conveying passengers	3
15. Consuming alcohol whilst available for hire	12
16. Smoking or vaping in a licensed vehicle at any time	6
17. Failure to correctly use the taximeter when hired for journeys starting and ending within Stevenage (hackney carriage/taxi only)	12
18. Failing to agree a fare with the passenger for any out-of-district journey where the taximeter is not being used	12
19. Charging a taxi passenger more than the metered or agreed fare	12
20. Failing to advise a private hire passenger of the fare prior to the start of the journey	12
21. Failing to display the current fare tariff card prominently within a taxi	4
22. Private hire driver soliciting for hire in a private hire vehicle	12
23. Private hire driver accepting a fare that is not pre-booked directly with the private hire operator	12
24. Failing to display the specified door sign on a private hire vehicle	4
25. Displaying a sign or advertisement on a licensed vehicle contrary to this policy or without Council consent (where required)	5
26. Failing to advise of a relevant medical condition as required by this policy	9
27. Failing to provide a receipt when requested or when required by this policy	4
28. Failing to notify the Council of a change of name and/or address	4

29. Failing to advise the Council of an accident as required by this policy	4
30. Failing to advise the Council in writing of convictions during the period of a licence in accordance with this policy	12
31. Failing to disclose previous convictions on an application form	12
32. Failing to ensure the exterior and/or interior of the licensed vehicle is maintained in a clean, sound and roadworthy condition	6
33. Failing to display the external licence plate in accordance with	10
34. the requirements of this policy	
35. Failing to display the internal licence plate	6
36. Using a hand-held mobile telephone or entertainment device whilst driving	12
37. Knowingly giving false information to passengers	6
38. Failing to collect pre-booked passengers or failing to arrive at a pre-booked location at the agreed time without reasonable excuse	5
39. Failure to comply with the no idling requirements of this policy	3
40. Failure to display a driver badge	6
41. Refusal to take a fare without reasonable excuse	12
42. Unnecessarily prolonging a journey	9
43. Waiting/parking in parking bays without a valid parking ticket	4
44. Waiting/parking on a loading bay, disability bay or bus stop	4
45. Waiting/parking on yellow lines or a footway	4
46. Carrying persons other than the hirer without the hirer's consent	6
47. Carrying more passengers than permitted	12
48. Using a licensed vehicle to ply for hire or to be made available for hire when in an unsafe and/or un-roadworthy condition	12
49. Driver leaving a taxi unattended on a rank other than for a comfort break	3
50. Any other behaviour or misconduct not specified above (investigating officer to determine the number of points based on the nearest comparable offence above)	3-12

## **Appendix 4 – Good Driver Standards**

### **A4.1 General responsibilities**

A4.1.1 Licensed drivers shall use their best endeavours to promote the image of the trade by:

- complying with all aspects of this policy,
- maintaining their vehicles in a safe and satisfactory condition at all times,
- attending punctually when undertaking pre-booked hiring,
- assisting passengers accessing and alighting from the vehicle,
- offering passengers reasonable assistance with luggage, and
- behaving in a civil, orderly and responsible manner at all times.

A4.1.2 To avoid nuisance to residents when picking up or waiting for a fare, a licensed driver shall:

- not sound the vehicle's horn illegally to attract the passenger's attention,
- keep the volume of all audio equipment to a reasonable level, and
- switch off the engine when required to wait.

A4.1.3 Whilst waiting at private hire operator premises, in addition to the requirements of subsection A4.1.2, a licensed driver shall:

- not undertake servicing or repair of vehicles on the highway,
- not undertake servicing or repair of vehicles on the premises unless appropriate planning permission has been obtained,
- take whatever action is necessary to ensure that the business operation does not cause unnecessary disturbance to residents, and
- ensure that the vehicle is not left idling at any time whilst parked.

A4.1.4 Drivers should be aware that they are in a position of significant responsibility, not only ensuring the safety of their passengers, but also the safety of the community as a whole. Any driver becoming aware of any criminal activity, suspected criminal activity, or safeguarding concerns is expected to report the matter to the police at the earliest opportunity.

### **A4.2 Driver Dress Code**

A4.2.1 The Council believes that licensed drivers have a responsibility to dress professionally and appropriately whilst undertaking taxi or private hire work to promote confidence amongst members of the public, especially visitors to the District.

A4.2.2 It is not acceptable for drivers to:

- display bare chests,
- wear clothing or footwear which is unclean or damaged,
- wear clothing printed with wording, logos or graphics which may offend,

- wear footwear that prevents the safe operation of the vehicle,
- wear headgear that partially or completely conceals the face or the identity of the driver

A4.2.3 This list is not exhaustive and Authorised Officers will assess whether standards of dress are acceptable. If an Authorised Officer deems a driver's standard of dress to be unacceptable, the decision will have effect as though it were included in the above list.

### **A4.3 Driver Conduct**

A4.3.1 The driver shall be respectably dressed, clean and tidy in appearance at all times whilst their vehicle is being made available for hire.

A4.3.2 The driver shall at all times, when acting in accordance with the driver's licence granted to them, wear or display such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.

A4.3.3 The driver shall not lend the badge to any other person or cause or permit any other person to wear it.

A4.3.4 On termination or surrender of a driver's licence, the driver shall return the badge to the Council immediately.

A4.3.5 The driver shall behave in a civil, polite and orderly manner at all times and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from, the vehicle.

A4.3.6 The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view, or allow the licence plate to be so defaced as to make any information illegible.

A4.3.7 The driver who has agreed to, or has been hired to, be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

A4.3.8 The driver, when hired to drive to a particular destination, shall proceed to that destination by either the shortest available route, or the believed cheapest route considering all known factors such as diversions, delays, etc.

A4.3.9 The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.

A4.3.10 The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.

A4.3.11 The driver must not solicit, by calling out or otherwise importune any person to hire or be carried for hire.

A4.3.12 The vehicle shall be presented in a clean and tidy condition for each journey and free from any unpleasant odours.

A4.3.13 The driver shall not smoke or 'vape' in a licensed vehicle at any time.

A4.3.14 The driver shall not drink or eat in the vehicle whilst conveying passengers.

A4.3.15 The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.

A4.3.16 The driver shall not operate the horn as a means of signalling that the vehicle has arrived. Drivers must not use a mobile phone whilst driving unless it is designed for hands-free operation.

A4.3.17 The driver must notify the Council within a period of seven (7) days of:

- any criminal conviction, caution, or fixed penalty notice,
  - any driving endorsement,
  - any change of medical condition that may impact on the ability to drive, or
  - any change of name or address
- whilst the licence is in force.

#### **A4.4 Lost Property**

A4.4.1 A licensed driver shall diligently search the vehicle periodically for any property which may have been accidentally left therein.

A4.4.2 In the event of lost property being found that is identifiable to a known passenger the driver shall either return the property to the passenger forthwith or contact the passenger to arrange its return.

A4.4.3 Any property found that is not identifiable to a passenger and not subsequently claimed within seven (7) days should be reported to the police and/or left in the custody of a police officer after obtaining a receipt. If advised to do so by the police, the licence holder can retain the property for the period advised by the police or taken to the Council offices.

#### **A4.5 Carriage of animals**

A4.5.1 A driver may not carry any animal not belonging to a passenger in a licensed vehicle whilst available for hire or carrying passengers.

A4.5.2 Animals, other than assistance dogs, in the custody of passengers may be carried at the driver's discretion, provided they are restrained in a safe manner.

A4.5.3 A driver must carry assistance dogs when requested to do so by a passenger unless they have been issued with a medical exemption certificate. Assistance dogs include guide dogs for blind or partially sighted persons, hearing dogs for the hard of hearing or deaf persons, and any other assistance dog which assists a person with a physical or mental impairment.

#### **A4.6 Carriages of passengers with wheelchairs**

A4.6.1 Passengers with wheelchairs have the choice to travel in a normal saloon, estate or multi-passenger vehicles or a specially adapted wheelchair accessible vehicle. Drivers of non-wheelchair accessible vehicles must carry a passenger with a wheelchair unless the vehicle is unable to accommodate the wheelchair within the luggage compartment.

A4.6.2 Drivers of wheelchair accessible vehicles must:

- carry any passenger with a wheelchair,
- not charge any additional fare for passengers with wheelchairs,
- be fully conversant with the correct method of operating all ramps, lifts and wheelchair restraints fitted to the vehicle,
- ensure that all wheelchairs are firmly secured in the vehicle using an approved restraining system and that the wheelchair brakes have been applied prior to commencing the journey,
- ensure that all ramps, lifts and wheelchair restraints fitted to the vehicle are available in full
- working order at all times the vehicle is available for hire.

#### **A4.7 Exemption Certificates**

A4.7.1 Drivers exempt from carrying assistance dogs or manual handling tasks must have their exemption certificate available for the customer to view.

## **Appendix 5 - Guidance for CCTV Systems**

A5.1 CCTV systems in Hackney Carriage Vehicles (HCVs) and Private Hire Vehicles (PHVs) are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of HCV, PHV drivers and passengers.

A5.2 Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in these guidelines.

A5.3 For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of a vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

A5.4 It must be noted that the installation of a CCTV system is optional. These regulations are not set by the licensing authority but are merely a translation of the regulating bodies for this purpose which include Trading Standards, the Information Commissioners Office, Construction and Use Regulations, The Data Protection Act (known as GDPR since May 2018) and the Road Traffic Act.

A5.5 The provision of Dashcams (for CCTV purposes) are not permitted in licensed vehicles due to:

- no provision of an audio panic switch
- insufficient data retention
- the device is portable and therefore easily stolen
- the data is not encrypted and therefore accessible to anyone.

### **A5.6 General requirements**

A5.6.1 Only CCTV systems meeting the requirements set out in these guidelines can be installed into licensed taxi and private hire vehicles.

A5.6.2 CCTV systems will be inspected by the Council's approved testing station as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

A5.6.3 The installation and operation of CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice.

A5.6.4 All equipment must comply with any legislative requirements in respect of motor vehicle construction and use regulations.

A5.6.5 All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

A5.6.6 All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact

with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

A5.6.7 Please see the attached Appendix G1, technical specifications and system requirements that are considered suitable for installation in any licensed vehicle.

### **A5.7 Automotive Electromagnetic Compatibility requirements (EMC)**

A5.7.1 CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

A5.7.2 Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that directive.

A5.7.3 CCTV equipment should be e-marked, or CE marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

### **A5.8 Camera design requirements**

A5.8.1 The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

### **A5.9 Installation**

A5.9.1 All equipment must be installed as prescribed by the equipment's manufacturer installation instructions.

A5.9.2 The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

A5.9.3 All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

A5.9.4 All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

A5.9.5 It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.



A5.9.6 Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g., not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

A5.9.7 Screen monitors are only permitted to display "live" images. **Captured or pre-recorded images are not permitted to be displayed at any time.**

A5.9.8 All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.

A5.9.9 If more than one camera is being installed their location within the vehicle must be specific for purpose e.g. to provide a safer environment for the benefit of the HCV or PHV driver and passengers.

A5.9.10 All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

A5.9.11 All system components requiring calibration in situ should be easily accessible.

## **A5.10 Camera activation methods**

A5.10.1 Activation of the equipment may be made via a number and combination of options such as door switches, time delay, drivers panic button or in the case of an incident/event occurring. The Council's preferred method of activation is via the ignition as this ensures that the equipment is always working. Please note a direct wired link to a Hackney Carriage's meter is not acceptable.

A5.10.2 It is also recommended that there is a manual override switch, located within the luggage area of the vehicle, to protect the right to privacy when the vehicle is for personal use.

## **A5.11 Audio recording**

A5.11.1 CCTV systems must not normally be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances.

A5.11.2 From a safety perspective for both the driver and passengers a much safer approach is that the audio "may" be left on during the hours considered to be of higher risk. At all other times, audio may only be recorded by way of a "panic switch" activation. This allows for the Information Commissioner's Office (ICO) stipulation (ICO v Southampton) that "audio may be left on during the hours of higher risk for example between 22.00 and 06.00 hours.

A5.11.3 In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

## **A5.12 Image security**

A5.12.1 Images captured must remain secure at all times. The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that the encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes for "data controllers" will also be required to ensure permanent security.

### **A5.13 Retention of CCTV images**

A5.13.1 The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own hard drive
- using a fully secured and appropriately encrypted mass storage device, for example, a compact flash solid state card.
- or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre

A5.13.2 Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for any purpose other than retention of data in the event of investigations.

A5.13.3 CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a typical period of 28 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a typical period of 28 days from the date of capture.

A5.13.4 It is the Operators responsibility to ensure that the hard drive has sufficient capacity to ensure continuous recording at all times.

A5.13.5 Where applicable, these provisions shall also apply to audio recordings.

### **A5.14 Notification to the Information Commissioner's Office**

A5.14.1 The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

A5.14.2 The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" can be a specified company, an organisation or individual, base owners, taxi associations or installers of the CCTV who have a legal responsibility for how the data is accessed.

A5.14.3 If an individual cannot access the data, then they are not the data controller. The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

A5.14.4 Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

A5.14.5 This means that any specified company, organisation or individual who has a CCTV system installed in a vehicle licensed by us must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to one of our Licensing Officers at any time during the term of the vehicle licence.

A5.14.6 The registration fee for notification at the time of the publication of this policy is £40 per year (£35 if paid by direct debit). Please follow the link to the ICO register: <https://ico.org.uk/registration/new>

## **A5.15 Use of information recorded using CCTV**

A5.15.1 The data controller is responsible for complying with all relevant data protection legislation. The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these guidelines.

A5.15.2 Requests may be made by the police or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to the “data controller” to view captured images. The data controller is responsible for responding to these requests. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively, a signed statement may be accepted.

A5.15.3 All requests should only be accepted where they are in writing and specify the reasons why disclosure is required.

A5.15.4 Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a ‘subject access request’. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording).

## **A5.16 Signage**

A5.16.1 All HCVs and PHVs with CCTV must display appropriate signage. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle if it is felt appropriate.

A5.16.2 Signage must be displayed as to be able to be observed from every passenger entrance to a vehicle and also whilst being seated within the vehicle. Signage must not compromise view through any side window and must not be impinging on the area of the vehicles front window screen, which is required to be kept clear as per MOT regulations.

A5.16.3 In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

### **A5.17 Contact details**

A5.17.1 The name and the contact telephone number of the Data Controller must be included on the sign if there are no obvious alternative signage.

### **A5.18 Signage for external facing CCTV systems**

A5.18.1 Where a CCTV system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured as soon as is practicable after the incident. They should also be informed of the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

A5.18.2 To assist individual drivers, owners, and companies who are considering installing a CCTV system please use the summary checklist below to ensure all the approval requirements/standards have been complied with:

- A data controller has been registered with the Information Commissioner's Office (ICO) telephone 0303 123 1113.
- Have the ICO provided you with documentation to evidence notification of the "data controller" associated with your system?
- Do you have documentary evidence regarding contractual arrangements with any data processor or service provider associated with the CCTV system? (where applicable)
- Do you have the appropriate signage and appropriate contact details displayed?

A5.18.3 Reference to 'Data Controller', 'Data Processor', 'Sound Recording' and 'Encryption Software' information made in this guideline comply with the current Information Commissioner's Office (ICO) CCTV Code of Practice 2008.

## **Appendix 6 – Standard Private Hire Operator conditions**

A6.1 A private hire operator must ensure that every private hire vehicle has a current private hire vehicle licence and is driven by a person who holds a current private hire driver licence. All three licences, private hire operator, private hire vehicle and private hire driver, must be issued by the same licensing authority.

A6.2 The operator shall:

- provide a prompt, efficient and reliable service to members of the public,
- ensure that their office staff always act in a civil and courteous manner,
- ensure that booked vehicles arrive punctually at the appointed place,
- ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated, and ventilated with adequate seating facilities.

A6.3 Booking records shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively, or in an appropriate electronic format.

A6.4 Prior to each journey, the operator shall record the following particulars of every booking of a private hire vehicle or hackney carriage accepted:

- date of the booking,
- name and address of the hirer,
- time of pick-up
- address of the point of pick-up,
- destination,
- licence number (or other identification) of the driver allocated to the booking,
- plate number (or other identification) of the vehicle allocated to the booking,
- fare agreed between the operator and hirer at the time of booking.

A6.5 The operator shall keep the following records of the particulars of all private hire vehicles or hackney carriages operated by them:

- type, make, model, colour and engine size of vehicles,
- year when the vehicle was first licensed for private hire,
- vehicle registration numbers,
- number of seats for passengers,
- owners of the vehicles,
- insurance details of vehicles,
- method of charging, i.e. whether or not a meter is fitted,
- private hire vehicle plate number.

A6.6 The operator shall keep the following records of the particulars of all drivers of private hire vehicles operated by them:

- driver's name, address and call sign,
- date employment commenced,
- date employment ceased,
- any change of address, including the date the address changed

- any illness, disability or condition which may affect the driver's ability to safely carry out his duties,
- expiry date of driver licence
- exemption certificate issued by Stevenage Borough Council

A6.7 All records maintained by the operator shall be kept for at least twelve (12) months after entry and shall be produced for inspection, on request, by any authorised Officer of the Council or any Police Officer.

A6.8 The operator shall, within seven (7) days, disclose to the Council, in writing, details of any convictions, including motoring convictions and fixed penalty notices, imposed on them (or if the operator is a company or partnership, on any of the directors or partners) during the life of the licence.

A6.9 All persons defined as an Operator will undertake a basic DBS and be registered with the update service.

A6.10 The private hire operator must keep a register of staff and their DBS details which must be made available to the Council upon request and as part of the application (grant and renewal) process.

A6.11 The operator shall notify the Council, in writing, within seven days of the engagement or employment of a hackney carriage or private hire driver, the operation of any additional hackney carriage or private hire vehicle and the termination of engagement, employment or operation of such hackney carriage or private hire driver or vehicle.

A6.12 Before an application for a private hire operator licence is granted, the applicant must either produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed or sign a declaration that their premises is not open to the public.

A6.13 The operator shall ensure that every hackney carriage or private hire vehicle operated by them in accordance with this licence is covered by a Certificate of Insurance, or cover note, indemnifying the proprietor of the said vehicle within the provisions of the Road Traffic Act 1972, for the carriage of passengers for hire or reward.

A6.14 The operator must notify the Council in writing of any proposed change of address during the period of the licence in order that the Council can consider its suitability. The operator may not change operating address until such time as the change has been approved in writing by the Council. The operator must also provide proof of public liability insurance for the new premises or sign a declaration that their new premises is not open to the public prior to the change being approved.

A6.15 The operator must provide ancillary training to its booking and dispatch staff on vulnerable persons safeguarding and the operator's legal obligations (duty to transport assistance dogs, carry heavy loads).

## **Appendix 7 – Licence conditions for stretched limousines**

A7.1 Left-hand drive limousines will be permitted as private hire vehicles

A7.2 Sideways facing seating will be permitted in limousines providing that it conforms to all relevant road traffic vehicle legislation.

A7.3 All limousines licensed as private hire vehicles must hold a valid Individual Vehicle Approval Certificate and be fitted with tyres of appropriate size and grade for that Approval.

A7.4 All limousines licensed as private hire vehicles must obtain six-monthly test certificates showing that the vehicle has satisfied the standards of the appropriate MOT Class. The vehicle licence holder is responsible for sourcing a garage approved to carry out such tests and providing documentation attesting to the garage's compliance with the Council's vehicle testing requirements.

A7.5 All limousines licensed as private hire vehicles must:

- reduce their seating capacity to a maximum of eight (8) passengers,
- not carry more than eight (8) passengers, including children, at any time,
- not carry passengers in any seats in the driver's compartment,
- ensure that any advertising of the limousine states the maximum seating capacity.

A7.6 Seatbelts complying to all relevant legislation must be fitted to all forward and rear facing seats and must be worn by passengers at all times the vehicle is in motion. There is no legal requirement for seatbelts to be fitted on sideways facing seats, however if they are fitted, they must be worn by passengers at all times the vehicle is in motion.

A7.8 If alcohol drinks are to be provided in the vehicle:

- an appropriate licence under the Licensing Act 2003 must be in effect,
- alcohol may only be sold whilst the vehicle is stationary,
- whilst the vehicle is in motion, all receptacles containing alcohol shall be securely stored,
- if any occupants of the vehicle are below the age of eighteen (18) years old, the vehicle must not contain any alcohol,
- all drinking receptacles used in the vehicle must be made of shatterproof glass, plastic or polycarbonate.

A7.9 The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the youngest passenger in the vehicle.

A7.10 Limousines licensed as private hire vehicles are not permitted to carry luggage within the passenger compartment of the vehicle.

A7.11 Limousines licensed as private hire vehicles must carry a safety hammer capable of being used to break the window glass of the vehicle. The hammer must be securely located within the driver's compartment.

A7.12 Limousines that are licensed private hire vehicles may only be booked from and despatched by a licensed private hire operator and driven by a licensed private hire driver; all three licences must be issued by the same licensing authority.