Hackney Carriage and Private Hire Licensing Policy

2026 - 2031

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PART 1 - INTRODUCTION

1.1 Powers and Duties

Fenland District Council (the Council) is responsible for the licensing of Hackney Carriage and Private Hire Vehicles (collectively referred to as taxis), their Drivers, Operators and Proprietors in the District.
This Policy sets out the standard that the Council will use to inform its decisions on applications for licenses, their renewal and consideration of their continuance. This Policy will also be useful for members of the hackney carriage and private hire trades, those seeking licenses, the travelling public and others in the community.

Licence holders and applicants for licenses will find guidance on the application processes in the Appendices to this Policy and on the Council website. If a member of the public has a concern or question about the taxi trade, they should get in touch with The Licensing team at the Council at: licensing@fenland.gov.uk

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 Fenland District Council ("the Council") the duty to carry out its licensing functions in respect of Taxis, Drivers, Operators and Proprietors in the District

This policy has also considered and will continue to refer to the following documents:

a) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades issued by the Institute of Licensing IOL (dated April 2018)
b) Statutory Taxi & Private Hire Vehicle Standards issued by the Department for Transport (dated July 2020)

1.2 Policy Objectives

Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They can 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.

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

(a) The protection of the environment;
(b) Public Safety;
(c) Ensuring an efficient and effective hackney carriage and private hire

provision;

(d) To provide and maintain a professional and respected hackney carriage and private hire trade by continued monitoring and improvement of standards of service.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Council's wish to facilitate professional and responsible businesses, which display sensitivity to the wishes and needs of the general public, whilst maintaining the current high standard of service provision.

When considering this Policy, the Council have 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.

Licenses issued by the Council

(a) Hackney carriage driver's licence (HCD)
(b) Hackney carriage vehicle licence (HCV)
(c) Private hire driver's licence (PHD)
(d) Private hire vehicle licence (PHV)
(e) Private hire operator's licence (PHO)

Note that the licence the Council issues to individuals who wish to drive taxis or private hire vehicles are referred to as a ***'driver's licence'***, and the licence issued to all motor road vehicle drivers by the DVLA is referred to as a ***'driving licence'***.

The Council does not issue school transport permits, these are issued by Cambridgeshire County Council.

Any badge, licence or vehicle plate issued to any person remains the property of the Council.

1.2 Hackney carriages and private hire vehicles; what's the difference?

The licences, fares, insurance and working practices of the vehicles are different.
Only hackney carriages may use the word 'Taxi' or 'Cabs' in their name, advertising or signage.

Other differences are set out in this table:

	Private Hire	Hackney Carriage
Bookings		
Can be pre-booked	✓	✓
Can wait in a hackney carriage rank	✗	✓
Can be hailed	✗	✓
Fares		
Set by the council	✗	✓
Uses a taximeter	✗	✓
Set by Operator	✓	✗
Visual differences		
Illuminated roof sign	✗	✓
'Black cab' type allowed	✗	✓
Cab or Taxi in name	✗	✓
Licence plate position	Rear	Rear
Internal plate	✓	✓

1.3 Departure from the Policy

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.

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.

Substantial departure from Policy

Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Licensing Sub – Committee may authorise a departure from the Policy in accordance with this section if they consider it necessary in the specific circumstances.

Minor departure from Policy

Where an applicant is 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 Licensing Manager may authorise a licence to be issued. An example of this could be a short delay within the admin process whereby we are waiting for an updated insurance certificate to be sent.

1.4 Policy Duration

This Policy will take effect from 23 February 2021.

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 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.

The Policy will be reviewed every five years in line with the requirements of the Statutory guidance that was introduced in July 2020, to ensure it remains fit-for-purpose and either amended where necessary or approved for continuation.

In the event of any significant amendment to the Policy, a full consultation will be undertaken prior to consideration by the Licensing Committee who will make a recommendation for consideration by Council.
For the purpose of this section, a significant amendment is defined as one that:

a) will have significant financial impact on applicants, licence holders or the public,
b) will have a significant procedural impact on applicants, licence holders or the public, or
c) may not be perceived by the trade or the public to be consistent with the policy objectives.
d) It does not relate to mandatory changes in legislation and/or statutory guidance

PART 2 - VEHICLES

2.1 Limitation of Numbers

The Council currently has no limit on the number of hackney carriages which may be licensed within the District and has no intention of introducing one unless evidence of 'no significant unmet demand' can be provided. The cost of any 'unmet demand' survey would need to be borne by the existing licence holders and re-evaluated every three (3) years to maintain a cap.

To assess the unmet demand for Hackney Carriage vehicles, this would be carried out through an independent survey, of which the results data would be analyzed, and a decision made if as a Council we had sufficient licensed vehicles to cope with the demand

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

2.2 Specifications and Conditions

Licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles and The Best Practice Guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible.

The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriage and private hire vehicles provide a necessary service to the public; however, it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

Part 2 of this Policy sets out the Council's minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications. This specification will need to be met prior to licensing and maintained throughout the duration of the licence. This will be achieved by attaching the following licence condition to all hackney carriage and private hire vehicle licenses:
"This licence is granted subject to compliance with the Council's Hackney Carriage and Private Hire Licensing Policy vehicle specification requirements (Part 2 of the Policy) throughout the duration of the licence period."

2.3 Accessibility

In regulating the hackney carriage and private hire trade the Council aim to meet the diverse needs of all accessibility requirements in the district. This includes wheelchair users, the visually impaired, the elderly and other groups that may be disabled or otherwise have accessibility requirements. The Council do not place any restrictions on PHV types. However, if the vehicle is to be wheelchair accessible, to ensure public safety, PHV applicants will be required to provide the V5 document that shows that the vehicle has been defined as wheelchair accessible or the certificate of conformance

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."

It is defensible that different accessibility considerations should apply between hackney carriages and private hire vehicles in that hackney carriages 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.

2.4 List of Wheelchair Accessible Vehicles (WAV's)

Section 167 of the Equality Act 2010 allows the Council to designate accessible vehicles as subject to the requirements of the Act making it a criminal offence to refuse a passenger with a wheelchair or charge an additional fare. In support of the Council's desire to provide accessible transport for those with disabilities, all wheelchair accessible hackney carriages and private hire vehicles will be designated for this purpose.

Section 165 – 167 of the Equalities Act 2010 (the 2010 Act) came into force 7th April 2017 and allows local authorities to create a list of designated wheelchair accessible vehicles (a S167 List).

The Council will publish a S167 List of wheelchair accessible vehicles. This means that any vehicle that meets the Council's definition of a wheelchair accessible vehicle will be designated on the list.

By the Council creating the S167 List, this brings into effect the duties placed on drivers under section 165 of the 2010 Act, making it a criminal offence if the driver of a designated vehicle fails to comply with the duties specified

under section 165

Drivers who, for medical reasons, are unable to accept wheelchair passengers or assistance dogs can apply to the Council for an exemption certificate.
Such a certificate will only be issued on production of appropriate medical evidence. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times whilst licensed as a hackney carriage or private hire vehicle.

In the absence of a medical exemption certificate from the Council, it would be a criminal offence for any hackney carriage or private hire driver to refuse to carry an assistance dog or a passenger with a wheelchair, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog or wheelchair.

2.5 Environmental Considerations

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 strong factor within the licensing policy.

This flexible approach is allowed in conjunction with its six- monthly testing requirements for all vehicles over five (5) years old to offset the need not to require tougher emission standards for licensed vehicles

2.6 Vehicle Idling

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

(a) better and more frequent vehicle maintenance and servicing; or
(b) switching off engines when stationary or idling, particularly at hackney carriage ranks and schools can make a significant environmental impact considering the number of licensed vehicles.

The Hackney Carriage and Private Hire trade members have an important role to play in raising awareness of environmental issues.

2.7 Maximum Age of Vehicles

The Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the

setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate.

Therefore, at this time we do not intend to implement an upper age limit on the vehicles we licence.

2.8 Vehicle Testing

In order to comply with the Council's vehicle testing requirements a vehicle must obtain a current MOT pass certificate and a current Compliance pass certificate from the Council's nominated testing facility, both of which must be dated no earlier than one calendar (1) month prior to the licence commencement date.

Vehicles that are less than one (1) year old will be exempt from producing a current MOT pass certificate but will be required to obtain a Compliance pass certificate.

All vehicles will be subject to annual testing requirements (MOT and Compliance Test) until they reach five (5) years old. Each application for a grant or renewal of a vehicle licence must be accompanied with proof of Compliance pass Certificate.

Once a vehicle reaches five (5) years old it will be subject to six-monthly testing requirement of a Compliance Test.

For the avoidance of doubt, any vehicle renewal application that would take the licence beyond the age of five (5) years. This will facilitate the vehicle being tested at six-monthly intervals as required.

The Council's nominated testing facility is:

a) MOT
Any testing facility currently registered with the Department for Transport to undertake MOT testing.

b) Compliance Certificate
Undertaken by approved premises in Fenland District

Vehicle Failures

The licence of any vehicle which fails its testing requirements will be subject to either an automatic suspension or a time limited period for the vehicle failure to be rectified and re-examined. Until such time as the vehicle has been re-examined and the necessary pass certificates obtained, the Council, or its nominated testing facility, may retain the vehicle licence plate until such time as the inspection requirements are met.

MOT advisories

With public safety being a significant objective of this Policy, the Council expects licensed vehicles to be of the highest possible standard. Accordingly, any MOT advisory relating to tyres or brakes must be rectified before a licence is granted. 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.

Vehicles involved in an Accident

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 obtain a compliance test approval to continue operating. Upon inspection following an accident, any vehicle that would fail to meet the vehicle testing requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary approval given.

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 Council's nominated inspection facility. If the vehicle would not pass a Certificate of Compliance examination, that vehicle cannot continue to operate as a hackney carriage or private hire vehicle until such time as the vehicle would meet the testing requirements.

2.9 Officer Inspections

In addition to the above testing requirements, the Council will undertake its own program of inspections. These tests will be undertaken at any other location within the District as advised by a Council Officer and will ensure that vehicles maintain the high standard of testing throughout its licence period.

In the event of any concern in relation to mechanical vehicle safety, the vehicle will be referred to the Council's nominated testing facility for a formal assessment. Where the testing requirements would not be met, the Officer may either agree a period of time for rectification and re-inspection or suspend the vehicle until such time as the testing requirements would be met.

2.10 Vehicle Type

Left-hand drive vehicles will not be considered suitable for licensing, except for stretched limousines which will be subject to the specification requirements detailed in **Appendix E**. This is to ensure that passengers travelling in the front passenger seat can exit the vehicle directly onto the footway rather than directly into the carriageway.

2.11 New Vehicles

Hackney carriages

All vehicle applications for a new hackney carriage licence, must be either:

a) a 'London' type hackney carriage, or
b) a suitable wheelchair accessible vehicle, approved by the Council, this will take effect from when we have issued with an active licence for One hundred and ten (110) hackney carriages

For the avoidance of doubt, this does not mean plate number HCV110 this is the total number of hackney carriage licenses in a status of issued.

Private hire vehicles

All vehicles for new private hire licence applications must be either:

a) a saloon, estate, MPV or hatchback vehicle with a least four (4) side doors, or
b) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

2.12 Vehicle Types & Category write-off's

Vehicle Types

Licensed vehicles shall ordinarily have European Community Whole Vehicle Type Approval (see http://www.dft.gov.uk/vca/vehicletype/index.asp) and be compliant with the relevant Road Vehicles (Construction and Use) Regulations in effect at the time of application

In the absence of European Community Whole Vehicle Type Approval, or if a vehicle has been modified in any way since manufacture, vehicles can be considered for licensing that have:

a) National Small Series Type Approval (see http://www.dft.gov.uk/vca/vehicletype/index.asp), or
b) Individual Vehicle Approval (see http://www.dft.gov.uk/vca/vehicletype/index.asp)

However, Individual Type Approval will not be accepted:

a) where the seatbelts fitted to the vehicle are not those fitted by the manufacturer and tested in accordance with the vehicle's original type approval, or
b) where the vehicle has been fitted with seating/wheelchair tracking which may invalidate the original type approval for any seats fitted to the vehicle except where suitable evidence is provided by the applicant(s) that this is not the case.

Category write – off's

An application for a vehicle licence will not be accepted if the category is

showing as S. This means the vehicle has been previously written off with structural damage and is deemed to be not suitable to be a licensed vehicle.

Category N is non structural and will be accepted on a case-by-case basis providing all the repair documentation can be provided as requested.

2.13 Vehicle Specification

All hackney carriage and private hire vehicles must:

a) be capable of carrying not less than four (4) nor more than eight (8) passengers,
b) have no damage affecting the structural safety of the vehicle,
c) not have been written off for insurance purposes at any time,
d) have sufficient means by which any passenger in the vehicle may communicate directly with the driver,
e) be maintained in sound and roadworthy condition at all times,
f) serviced in accordance with manufacturers' recommendations.

2.14 Vehicle Roof Sign and PH Door Signage

Hackney Carriage Vehicles

All Hackney carriage vehicles 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.

Roof signs fitted upon a Hackney Carriage Vehicle must be white in colour and shall be securely fitted to the vehicle. Roof signs must be of a design and shape approved by the District Council.

All Hackney Carriage Vehicle roof signs shall display the wording 'taxi' on the front and the words 'Fenland District Council' together with the carriage licence number on the back (except in the case of a London Style cab).

The sign shall be capable of being illuminated internally in such a manner that the word 'TAXI', Fenland District Council and the carriage licence number, is always illuminated when the vehicle is plying for hire, but not otherwise.

All wording shall be black in colour and the word 'TAXI' must not be less than 90mm in height. Wording on the rear of the roof light must not be less than 25mm in height

Private hire vehicles

A private hire vehicle must not carry a roof sign of any description, mounted or built-in, or any markings that may give the impression that

it is a hackney carriage.

A private hire vehicle must display Council-approved signage on both front doors of the vehicle Signage will be displayed in oval shape and on a yellow background with the Fenland Logo, Wording stating Pre-Booked Only, Telephone number and text stating – Insurance invalid unless booked with the operator.
Once you have been issued your new Operator/Vehicle licence we will supply you with a PDF document which will allow you to have the signage printed and affixed by your chosen sign writer.

2.15 Vehicle Livery

The Council believes that the requirements of this policy ensure that hackney carriages and private hire vehicles are easily distinguishable and that there is no current requirement for specific vehicle livery

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

2.16 Licence plates

At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, unless an exemption 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.

At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, the vehicle must display the internal vehicle licence plate provided by the Council, securely fixed in a prominent position to the front windscreen or dashboard.

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

<u>Private Hire Plate and Door Sticker Exemptions</u>
This may be given to private hire vehicles used for executive hire, corporate contracts, school contracts or work of a similar nature. In order to qualify for an exemption, you must complete the template form stating why you are requesting this. Once you have received approval the following must take place;

a) a written letter of exemption issued by the Council must always be carried in the vehicle,
b) the licence plate must always be carried in the vehicle,
c) the internal plate issued by the Council must be displayed on

the front windscreen of the vehicle, and

d) the vehicle must be undertaking the nature of work for which the exemption was granted. If any of these four criteria are not met, then an exception will not be granted.

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

2.17 Third Party Advertising

Third Party advertising is only permitted with prior written approval of the Council.

The following advertising will not be permitted:
a. Anything of a religious or political nature;
b. Alcohol or tobacco products;
c. Any matter of a sexual nature or likely to cause offence;
d. Any matter which is insulting, offensive or abusive.

The content of any advertising on the vehicle shall be legal, decent and truthful. No words, letters or graphics may be displayed on any windows of the vehicle.
No advertisement will be permitted which impedes the vision of the driver.
The Council reserves the right to require the licensee to remove the advertisement from display on the vehicle if the content of the advertisement changes without written permission of the Council or for any reason affecting the appearance of the advertisement.
All materials used and affixed for advertising purposes on Hackney Carriage Vehicles must comply with current legislation which includes the Motor Vehicle (Construction and Use) Regulations and must not provide any risk of injury to drivers /passengers or pedestrians.

No secondary advertising of any kind will be permitted including the name of the company preparing the vehicle or the name of the advertising agency.
All advertisements must comply with the UK Advertising Standards Authority (ASA) Codes and it is the responsibility of the vehicle proprietor to ensure that they do so.
Advertising to do with crime and disorder or public safety issues such as advertising "Crime Stoppers" or Crime Prevention Matters will be permitted.

<u>Exterior Advertising</u>
The following surfaces are permitted for the use of exterior advertising on licensed Hackney Carriages, subject to the requirements above:

Doors only - advertising material covering the exterior lower panels of rear doors on both sides of the vehicle

Boot lid - advertising on the boot lid is permitted other than where it in any way obscures the licence plate.

Interior Advertising

Interior advertisements are permitted on the rear window but must be:

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

For the purpose of this section, the display of 'no smoking' signage as required by legislation or signage indicating that the vehicle is able to convey passengers in wheelchairs (provided that the vehicle has been manufactured or properly adapted for that purpose) is not considered to be advertising.

Any advertising or signage on a private hire vehicle must not include the words "taxi", "cab", "hackney carriage" or "for hire", same for the word "taxi" being part of the company name.

2.18 Seating in Multi-Passenger Vehicles

The Council will licence vehicles for seating arrangements of up to eight (8) passengers where all licensing requirements are satisfied.

All vehicles licensed to carry in excess of four (4) passengers will only be licensed in accordance with the seating layouts detailed in **Appendix G**, unless the Original Manufacturer's Specification provides an alternative arrangement. Any seating arrangements not illustrated in **Appendix G** will be considered by the Council in relation to safety requirements however it should not be assumed that permission will automatically be granted.

2.19 Doors

All licensed hackney carriages or private hire vehicles must have at least three side-opening passenger doors, which must be easily opened from the inside and the outside.

All vehicles must have sufficient, safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door (with the exemption of WAV vehicles).

2.20 Tyres

The licensed vehicle must be fitted with either all radial or all cross-ply tyres, 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.

Run-flat tyres and 'space-saver' tyres are acceptable on licensed vehicles provided they conform to the Original Manufacturers' Specification.

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.

Original Manufacturers' Specification 'tyre repair kits / compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards. 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.

2.21 Drivers' Vehicle Mirrors

External rear view mirrors must be fitted to both sides of all licensed vehicles.

All licensed vehicles must have an internal rear-view mirror appropriately fitted in accordance with appropriate legislation and/or manufacturers' specification.

2.22 Seats - Minimum Interior Dimensions

The following minimum dimensions are applicable to both Hackney Carriage and Private Hire vehicles.

Proprietors should bear in mind that the manufacturers' claimed seating capacity may not always be the same as the Council's licensed seating capacity scheme as detailed below.

Height - From the top of the seat cushions to the roof at the lowest part (inside) must not be less than 865 mm (34 inches approx.)

Seat Depth - fixed passenger seats (measured from the back of the seat to the front edge of the seat cushion) must be no less than 406 mm (16 inches approx.)

Seat Width - fixed passenger seats (measured along the front edge of the seat) must allow at least 406 mm (16 inches approx.) per person. There must also be a minimum of 1371mm (54 inches) between the inner door handles.

Legroom – each passenger seat shall provide sufficient legroom for

passengers to be seated in comfort.

Facing seats - the distance between the seat backs measured in a horizontal plane along the top surface of the seating cushion must be not less than 1300 mm (51 inches approx.). The distance between the front edges of the seat cushions must be not less than 425 mm (16 ¾ inches approx.).

Access to every passenger seat must be unobstructed and be easily accessible to passengers without the need for seats to be folded or removed and without the need for more than one (1) passenger to move.

Unless the Original Manufacturers' Specification states otherwise, the front seat of the vehicle next to the driver will be regarded as a seat for one (1) passenger only.

2.23 Seat Belts

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with. As a guide a child over 12, or over 135 cm (approx. 4' 5") in height may ride in the front seat of a Licensed vehicle providing they wear the fitted seatbelt.

2.24 Fire Extinguishers

This council deems that it is not a necessary requirement for the vehicle to carry an extinguisher. The advice given is that in the event of a fire the driver and passengers leave the vehicle immediately and keep a safe distance.

2.25 First Aid Kits

In line with the Health & Safety legislation, all licensed vehicles must carry a first aid kit, this shall be used in an emergency to treat minor injuries and therefore must always be easily accessible.
The contents of the first aid kit must be in date and comply with health & safety requirements.
It must be marked with the vehicle registration number or licence plate number.

2.26 Ventilation

Windows must be provided to all passenger compartments along with adequate means of opening and closing, not less than one (1) window on either side of the vehicle, in both the front and rear passenger compartments.

Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available, in which case the air conditioning must be operated by the driver upon request.

2.27 Luggage

Adequate storage for passenger luggage must be available and all luggage carried must be suitably secured in place without obstructing any emergency exits.

If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover to prevent luggage from entering the rear passenger compartments.

2.28 Maintenance and Condition of the Vehicle

The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner always. In particular, the exterior of the vehicle shall:

a) be free of large and/or sharp-edged dents,
b) be free of visible rust,
c) be free of unrepaired accident damage,
d) have uniform paintwork equivalent to that applied by the manufacturer, and
e) be maintained in an acceptable state of cleanliness.

The interior of all licensed vehicles shall be maintained in a clean, safe and satisfactory manner always. In particular, the interior of the vehicle shall:

f) be free of all stains to the upholstery or seat covers if fitted.
g) be free of all splits and tears to the seats,
h) be maintained in an acceptable state of cleanliness, and
i) provide seats functioning in accordance with the Original Manufacturers' Specification.

2.29 Modifications

No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without compliance with road traffic legislation, insurance requirements, and written approval for the change(s) from the Council.

2.30 Communications Devices

All two-way radio equipment must be of a type currently approved by and must be fitted securely in accordance with guidelines published by, the Radio Communications Agency. They must not be fitted as to obscure the drivers view through the front window screen.

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

2.31 Meters

Hackney carriages

An approved 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. All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.

The taximeter 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.

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

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.

An official copy of the Council's fare tariff must be clearly displayed and legible in the vehicle to be plainly visible to passengers carried therein.

The vehicle taximeter must 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 this Council in connection with the fare tariff for the hire of hackney carriages. For the avoidance of doubt, the taximeter should not be started until the passenger is in the vehicle ready to commence the journey.

In the event of such a journey commencing in but ending outside the District, the customer may be charged for the journey of 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.

On occasions, a journey will commence during one tariff period and end within another tariff period. For the avoidance of doubt, the tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.

Private Hire

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.

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.

2.32 Trailers

Trailers may only be used with the prior approval of the Council and then subject to the following requirements:

a) the driver's DVLA driving licence must cover the categories that allow the towing of trailers,
b) the trailer must always comply with all requirements of road traffic legislation and the current Road Vehicles (Construction and Use) Regulations,
c) the vehicle insurance must include cover for towing a trailer,
d) trailers must not be left unattended anywhere on the highway,
e) a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use;
f) trailers must display an identical licence plate to the licensed vehicle,
g) trailers cannot be used on a hackney carriage rank and should only be used for specific pre- booked journeys, not whilst plying for hire.

2.33 Disability Access

In the case of all licensed vehicles which are built or adapted for disabled passengers, the design of the vehicle must ensure that any wheelchair is loaded from the side or the rear of the vehicle.

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

a) access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus,

b) 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,

c) a suitable restraint must be available for the occupant of a wheelchair.

d) access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper,

e) ramps and lifts must be securely stored in the vehicle before it may move off,

f) access ramps and/or lifts must be maintained in full working order at all times when the vehicle is available for hire.

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).

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.

2.34 Vehicles Powered by Liquid Petroleum Gas (LPG)

An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that a reasonable amount of space shall remain free for the stowage of passenger luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

2.35 Tinted Windows

The front windscreen, front driver's side window and front passenger's side window must ordinarily be clear glass. Exemption from this requirement may be given for original manufacturer's specification 'light tint' glass that does not prevent the identification of the driver and passengers from outside the vehicle.

The rear windscreen of any vehicle shall not have been treated so that less than 75% of light is transmitted through it, nor the rear passenger compartment side windows of any vehicle so that less than 70% of light is transmitted through them, unless the following criteria can be met:

a) the vehicle is licensed as private hire vehicle only,
b) the vehicle is a stretched limousine vehicle,
c) the vehicle will not be engaged at any time for the carriage of school children,
d) the private hire operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.

This section does not preclude or supersede any requirements provided for in any relevant legislation relating to road traffic vehicles.

2.36 Insurance

There shall be 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 (as applicable).

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 the Council. Failure to comply with this requirement will preclude a licence from being issued.

Where a cover note is provided as part of a licence application, a full Certificate for a twelve (12) month period of Insurance must be provided prior to the expiry of the cover note.

The registered owner of the licensed vehicle shall ensure that it is always adequately insured to the satisfaction of the Council and all relevant legislation that it is available for the carrying of passengers. In the absence of appropriate insurance, the licensed vehicle cannot be used for the carrying of passengers.

As case law has established that a vehicle licensed as a hackney carriage or private hire vehicle always remains a licensed vehicle until the licence expires or is surrendered, 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 (as appropriate) for the vehicle.

2.37 Change of Ownership

Any change to the person(s) or company named on a vehicle licence must be notified to the Council within fourteen (14) days of such

change.

When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Council, in writing, using the prescribed application form and paying the appropriate fee before such change takes place. Transfer of the licence will not be granted until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.

2.38 Inspection

All hackney carriage and private hire vehicles must be available for inspection, at any location within the District, at all times when requested by an Authorised Officer of the Council or a Police Officer.

All vehicle documentation must be produced within twenty-four (24) hours, or such other time as specified, when requested by an Authorised Officer of the Council or a Police Officer.

2.39 Unauthorised Use

The proprietor of a hackney carriage 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 or private hire driver licence issued by the Council.

For the avoidance of doubt, case law has established that once licensed as a hackney carriage or private hire vehicle, the vehicle always remains a licensed vehicle until the licence expires, is surrendered, is suspended or is revoked. Even if a licensed vehicle is being used for private purposes, it must still meet all the requirements of a licensed vehicle, for example displaying a licence plate, complying with all requirements of this Policy and being driven by a licensed driver.

2.40 Accident Reporting

In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire vehicle causing damage materially affecting:

a) the safety, performance or appearance of the vehicle, or
b) the comfort or convenience of the passengers,

must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two (72) hours of the occurrence thereof.

Following an accident or damage to a licensed vehicle, if it is the intention of the owner or operator to continue licensed use, the vehicle

must immediately be inspected by an authorised council officer to determine its fitness for continued use.

On some occasions it may be required for a vehicle compliance test to be undertaken to ascertain any damage. If the Council's nominated testing facility determines that the vehicle is fit for continued use, the timescale for cosmetic repairs must be agreed with a Council Licensing Officer.

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

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

a) the damage to, or defect in, the vehicle has been reported to the Council,

b) an application is made in the prescribed manner for a temporary vehicle licence,

c) the replacement vehicle meets the requirements of this Policy and is suitable to be used for hire purposes.

2.41 Miscellaneous

The proprietor of a hackney carriage or private hire vehicle shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose.

2.42 Security/CCTV

The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance and CCTV cameras can be a valuable deterrent. That said, mandatory CCTV is not a requirement as the Council considers this a matter best left to the judgement of the owners and drivers themselves.

If CCTV is installed in a vehicle, it will be the responsibility of the operator/proprietor to handle relevant data gathered in a secure manner and register with the Information Commissioner's Office (ICO).
You will also be required to display the correct signage to notify customers accordingly.

2.43 Stretched Limousines & Novelty Vehicles

Stretched limousines are generally used for all private hire work plus special occasions such as days at the races, stag/hen parties and children's birthday parties.

For the purposes of this Policy, a stretch limousine is defined as follows:
"A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that;

a) can carry up to but not exceeding 8 passengers;
b) is not a decommissioned military or emergency service vehicle."

Any stretched limousines capable of carrying eight (8) passengers or less which are offered for private hire does require a licence from the Council. In accordance with the Best Practice Guidance, all applications to licence stretched limousines as private hire vehicles will be treated on their own merits. Any stretched limousine capable of carrying more than eight (8) passengers requires licensing by the Traffic Commissioners as a public service vehicle.

Any stretched limousine approved for licensing as a private hire vehicle will be subject to specification set out in **Appendix E**, which will be attached as conditions to all limousines licensed as a private hire vehicle.

It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If a limousine is to be provided whereby part of the booking includes "free alcohol", the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

2.44 Funeral and Wedding Vehicles

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

A vehicle does not need to be licensed whilst it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered a licensable activity.

2.45 Voluntary Sector Transport

The Council will assess each individual organisation on its own merits to determine whether it will require licensing as a private hire business.

To make an initial enquiry and discuss your query please contact the licensing team.

2.46 Dual Plating

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

PART 3 - DRIVERS

3.1 Licenses

Due to similarity of a hackney carriage and private hire driver, this section will apply equally to private hire and hackney carriage drivers unless otherwise stated.

The Council requires that separate driver licenses be ordinarily held in respect of hackney carriage and private hire vehicles. However, with effect from the date of this policy we will no longer be issuing 'dual licenses.

For the avoidance of doubt, if you are issued with a hackney carriage drivers licence then you will also receive private hire driver status. But if issued with a private hire drivers licence then you will only be able to operate as a private hire driver.

3.2 Age and Experience

A licence will not be granted to anyone who has not held a full driving licence, for a period of at least twelve (12) months immediately prior to the application.

An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must obtain a full UK driving licence within twelve (12) months of the issue of the hackney carriage or private hire driver licence. Where this requirement is not satisfied, the hackney carriage or private hire driver licence will be automatically suspended pending compliance.

3.3 Driver Knowledge Tests

Hackney carriage drivers clearly need a good working knowledge of the District for which they are licensed, because hackney carriages can be hired immediately, directly with the driver at ranks or on the street.

In order to determine fitness to hold a licence, applicants for a hackney carriage driver's licence are required to undertake a knowledge test based on local geography, places on interest, basic knowledge of English language & math's and the Council's Licensing Policy.

To hold a private hire drivers licence you will also be required to undertake the knowledge test, however we recognise that the same instant knowledge is not required as there would be an opportunity to research the required route so this part will not be included.

A knowledge test pass is only valid for a period of six (6) months. If a driver licence has not been granted within a period of six (6) months

following the successful knowledge test, a further knowledge test pass will be required prior to a licence being granted. The exception to this would be if a delay occurred during the administration process

The fee set for the knowledge test only includes the one (1) test, any subsequent re-tests will be charged at the set fee.

An applicant may only sit a maximum of four (4) knowledge tests during a twelve (12) month period. Failure to achieve a pass mark during this period will result in a drivers licence not being issued and the applicant will need to re-apply at a later stage.

Further details of the respective tests are set out in Part 5 of this Policy.

3.4 Driving Proficiency and Qualifications

The Council believes that as a profession, hackney carriage and private hire drivers have a special responsibility for the safe transportation of fare paying passengers and therefore they must complete an advanced driving assessment, details of this can be found on our website.

Whilst the Council has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification, for example a BTEC Level 2 Award in Transporting Passengers by Taxi and Private Hire, the Council would encourage drivers to consider completing this.

3.5 Medical Examination including Eyesight Test

In order to promote the Council's public safety licensing objective, it will be a requirement to produce a medical assessment from a registered medical practitioner confirming the applicant/licence holder's fitness to drive. A new medical certificate will be required at the following intervals:

a) The applicant is a new driver.
b) The licence holder is aged forty-five (45) years of age and every subsequent five (5) years from then
c) The licence holder is aged sixty-five (65) years of age and every subsequent twelve (12) months; or
d) The applicant/licence holder has a health condition that may impact upon their ability to drive a hackney carriage or private hire vehicle

Applicants may still apply for a three-year licence, however, must produce further medical certification at the required age period or at a shorter period where recommended by the medical practitioner.

The medical assessment required by this section must:

a) be completed on the Council's prescribed medical form (available on

the Council website),

b) be completed by the applicant's GP or a GMC register doctor, having access to the applicant's summary medical history,
c) less than six (6) month's old at the licence start date,
d) contain an assessment of fitness to drive based on the DVLA Group 2 Medical Standards for Vocational Drivers.
e) A separate Eye test examination maybe required if the GP is unable to complete this, the date of this must be less than six (6) months old at the licence start date.

If required to obtain a medical certificate, the applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the confidential assessment must be submitted to the Council accompanied by any relevant supporting documentation.

Holders of current PSV and/or HGV Licenses, where the holder can produce proof of a current medical assessment, will not be required to undergo a further medical examination provided the requirements are met.

Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. For the avoidance of doubt, the following medical conditions must be notified to the Council as soon as reasonably practicable however this list is not exhaustive:

f) any heart-related condition
g) any eyesight related condition
h) diabetes (Type 1 or Type 2)
i) epilepsy
j) sudden attacks of giddiness or fainting
k) conditions causing excessive daytime sleepiness such as sleep apnea
l) alcohol or drug dependency
m) mental or psychological disorders
n) any other condition that may affect the ability to drive

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical assessment, at the applicant's own expense.

3.6 Medical Exemption Certificates

Carriage of wheelchairs: medical exemption certificates

Given that the main reasons for a hackney carriage 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.

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

Carriage of assistance dogs: medical exemption certificates

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

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

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

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

Suitable medical professionals: medical exemption certificates

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

a) medical specialist / consultant.
b) specialist nurse (for example, an asthma nurse);

In exceptional circumstances, where no other alternatives are available, the Council may consider evidence from the applicant's General Practitioner. The applicant will be responsible for all costs associated in the provision of the necessary medical evidence.

3.7 Disclosure & Barring Service (DBS) Disclosures

A DBS check on a driver is seen as an essential safety measure in assessing whether an applicant is suitable to hold a licence, therefore an Enhanced Disclosure provided by the Disclosure & Barring Service is required by all applicants, whether new or renewal applications.

Before an application for a driver licence will be considered, the applicant must provide a current (less than three months old) Enhanced DBS Disclosure; the only exception would be where an applicant has registered with the DBS for the online checking service and the Council has seen the latest DBS to which the online check refers.

We will be carrying out DBS checks on licensed drivers at every six (6) month intervals. Therefore, to ensure this is completed in a timely manner it is a mandatory requirement that all licensed drivers sign up to the DBS online checking service. Failure to have this in place and an adequate check not being completed, will result in either a temporary suspension of the drivers licence or a delay in the renewal process.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licenses; therefore, applicants are required to disclose all convictions, including those that would normally be regarded as spent.

In the case of applicants with less than five (5) years residence in the UK, a Certificate of Good Conduct will be required from the relevant Embassy in addition to an Enhanced DBS Disclosure covering their time in the UK. All Certificates of Good Conduct must be translated into English by an accredited translator and accompanied by a declaration to that effect.

The Council is bound by rules of confidentiality and will not divulge information obtained to any third party. The applicant for a DBS certificate will be sent a certificate to their home address and will need to provide the certificate to the Council who do not receive a copy. Once the Council have obtained the necessary information from a DBS certificate, no information from the DBS will be retained by the Council.

3.8 Relevance of Convictions and Cautions

In relation to the consideration of convictions and cautions recorded against applicants, the Council will adopt the guidelines set out in **Appendix B** of this Policy.

3.9 Convictions during period of licence

Where offences resulting in conviction are committed by licensed drivers

in the course of their business or otherwise, it is important, in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on their hackney carriage or private hire driver's licence.

Driver's licence holders, who are convicted or cautioned for any criminal or motoring offence during the period covered by their existing licence, must disclose the conviction or caution and the penalty involved to the Council within seven (7) days of the conviction. In the case of a deferred sentence, the penalty must be disclosed to the Council within seven (7) days of sentencing. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

Should an applicant, applying as a new driver or renewal, have seven (7) or more points on the DVLA driving licence and or any previous convictions then their application will be referred to a Licensing Sub-Committee hearing to ascertain whether the applicant is a 'fit and proper person' to hold a licence.

3.10 Safeguarding & Disability Awareness Training

The Council acknowledges the importance of safeguarding and disability awareness training to all licensed drivers and operators, particularly about the prevention of child sexual exploitation, but additionally regarding vulnerable adults and children.

A renewal applicant will be expected to undertake this training.

a) every six (6) years or sooner if required
b) if an officer or the Licensing Sub-Committee, feel it necessary for the driver to demonstrate they are safe & suitable to be a licensed driver.

3.11 Right to Work

All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in **Appendix F**.

3.12 Conditions of Licence

The Council is not permitted to attach conditions to a hackney carriage driver's licence however it is empowered to attach such conditions to a private hire driver's licence as are considered necessary.

For consistency, conditions will not be attached to driver licenses however the Council consider continued compliance with this Policy as an essential requirement of the 'fit and proper' person test. Failure to comply with all policy requirements is likely to result in enforcement action being taken.

3.13 Driver Code of Conduct

Adopting a Driver Code of Conduct for hackney carriage and private hire licence holders serves to promote the Council's licensing objectives in respect of the hackney carriage and private hire trades; the standards expected of licence holders are detailed in **Appendix C**. This Code of Conduct is an integral part of the 'fit and proper' assessment.

3.14 DVLA Licence Checking

In order to ensure that the Council have a driver's complete driving history, thus enabling a fully informed decision to be made in respect of an application, the Council upon new and renewal application will request you to provide a DVLA share code.

By providing this code it will allow us to check your DVLA licence and history from the DVLA website. The application form declaration includes a section where the applicant signs to give their consent for this check.

Any anomalies between the DVLA record and the applicant's driving licence will be brought to the attention of the DVLA and the Police.

3.15 National Register - NR3 Checks

This Council has subscribed to the National Register of Hackney Carriage and PHV driver licence refusals and revocations, the 'national register of refusals and revocations' or NR3 as it is more commonly known. The council will search the national database in all cases where an application is made for a new hackney carriage or private hire driver licence and when an application is made for the renewal of these licences.

Whilst completing these checks if any areas of concern are identified they will be addressed with the applicant immediately and may lead to a suspension or revocation of their licence.

PART 4 - PRIVATE HIRE OPERATORS

4.1 Requirements and Obligations

Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a Private Hire Operator Licence. A private hire vehicle may only be dispatched to a customer by a private hire operator who holds a private hire operator licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

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 licenses, private hire operator, private hire vehicle and private hire driver, must be issued by the same licensing authority.

It is for the Council to decide whether the applicant is a 'fit and proper person' to hold a private hire operator licence.

4.2 Disclosure & Barring Service (DBS) Disclosures

Private hire operators cannot be required to produce an Enhanced DBS disclosure therefore a Basic Disclosure from the Disclosure & Barring Service, or a certificate of good conduct from the relevant embassy for overseas applicants, is considered appropriate in promoting the policy objectives. A reference covering the applicant's financial record and/or business history may also be considered appropriate in addition to these requirements in some instances.

Before an application for a private hire operator licence will be considered, the applicant must provide a current (less than 3 months old) Basic DBS Disclosure of Criminal Convictions, or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current hackney carriage or private hire driver licence with the Council will be exempt from this requirement.

4.3 Conditions

The Council has power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The following conditions will be attached to all private hire operator licenses issued by the Council:

a) This licence is granted subject to compliance with the requirements of Part 4 of the Council's Hackney Carriage and Private Hire Licensing Policy throughout the duration of the licence period.

b) All private hire booking records as per section 4.11 must be kept for a minimum of 12 months
c) Any staff member working as a vehicle dispatcher on behalf of the licensed operator must have a valid Basic DBS Disclosure of Criminal Convictions check dated less than 3 months old from commencement of employment.

4.4 Public Liability Insurance

It is considered appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public. 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.

4.5 Licence Duration

The Council will issue a successful applicant for a private hire operator licence with a one or five-year licence from the date of grant, although we do encourage applying for a five-year licence.

4.6 Address from which an Operator may Operate

Upon the grant of a private hire operator licence, the Council will specify on the licence the address from which the operator may accept bookings and dispatch vehicles. This address will ordinarily be the address stated on the application form.

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.

4.7 Operating Bases

A private hire operator licence issued by the Council will be required for any operator with an operating base that is inside the District of Fenland.

4.8 Right to Work

All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in **Appendix F**.

4.9 Sub-contracting of Private Hire Bookings

Legislation now allows for a licensed private hire operator to sub-contract a booking to another licensed private hire operator, whether in the same district or not. 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.

All three licenses (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.

4.10 Standards of Service

The operator shall:

a) provide a prompt, efficient and reliable service to members of the public,
b) ensure that their office staff act in a civil and courteous manner at all times,
c) ensure that booked vehicles arrive punctually at the appointed place,
d) 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,
e) ensure compliance with legislation regarding the length of employee working hours.

4.11 Records

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.

Prior to each journey, the operator shall record the following particulars of every booking of a private hire vehicle accepted:

a) date of the booking,
b) name, address and contact number of the hirer,
c) time of pick-up
d) address of the point of pick-up,
e) address of the destination drop off,
f) licence number (or other identification) of the driver allocated to the booking,
g) plate number (or other identification) of the vehicle allocated to the booking,
h) fare agreed between the operator and hirer at the time of booking.

The operator shall keep the following records for all private hire vehicles operated by them:

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

The operator shall keep the following records for all drivers of private hire vehicles operated by them:

a) driver's name, address and contact number,
b) driver's licence number issued by local authority,
c) date employment commenced,
d) date employment ceased,
e) any change of address, including the date the address changed
f) any illness, disability or condition which may affect the driver's ability to safely carry out his duties,
g) expiry date of both the DVLA & driver licence issued.

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.

The operator shall be required to register your details with the Information Commission's Officer (ICO), this is a requirement under GDPR as you will be retaining personal data.

4.12 Complaints

The operator shall notify the Council in writing of any complaints concerning a contract for hire arising from their business that they feel prudent to do so, for example for their own protection against frivolous or vexatious complaints or allegations of misconduct against a driver. Such notification must include the action taken, or proposed, as a result of the complaint.

4.13 Disclosure of Convictions

The operator shall, within seven (7) days of conviction, notify the Council in writing of any conviction or fixed penalty imposed on them during the licence period of their 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.

4.14 Private Hire Insurance

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by them under the operator licence.

4.15 Private Hire Driver Licenses

The operator shall ensure that every driver working under their operator licence has obtained a private hire driver licence from the same licensing authority which issued the private hire operator licence. The operator shall use their best endeavour to ensure that all drivers have a badge issued by the Council and that the drivers always wear the badge whilst available for hire.

4.16 Planning Consent

To operate a private hire business from home, planning permission may be required. A private hire operator licence will not be granted without evidence that either planning permission has been issued for the premises concerned, or planning permission is not required for the limited use proposed.

PART 5 – APPLICATION PROCEDURE

5.1 General

This Part of the Policy is intended to give an indication of the application process relating to all application types. In line with its commitment to smarter ways of working, the Council reserve the right to make changes to the administrative process provided that the focus of the policy objectives are maintained.

Where the administrative process is amended, the Licensing Manager may amend this Part of the Policy in accordance with the delegation set out in part 12

5.2 Vehicles

An application for a vehicle licence will only be considered complete when all the following documents have been received:

a) prescribed application form, fully completed
b) appropriate fee
c) V5 registration document
   - ❖ which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s).
   - ❖ once the V5 has been provided for the grant of a new vehicle licence, it need not be re-submitted with subsequent renewal applications unless the details of the vehicle or registered keeper change.
d) current valid insurance certificate or cover note
   - ❖ the certificate must include the appropriate usage as a hackney carriage or private hire vehicle.
   - ❖ the certificate must cover a minimum of one (1) calendar month from the start date of the licence.
   - ❖ the certificate must not contain the name(s) of any driver not licensed with the Council.
   - ❖ if a cover note is provided, a full certificate of insurance (a period of no less than twelve (12) months must be provided before the expiry date of the cover note.
e) Compliance Certificate
f) Hackney Carriage Meter certificate (New Vehicle)

5.3 Drivers

An application for a driver licence will only be considered complete when all the following documents have been received:

a) prescribed application form, fully completed
b) appropriate fee

c) a current valid full driving licence and DVLA authorisation check code.
d) enhanced Disclosure & Barring Service (DBS) certificate, unless registered with the online DBS checking service
e) knowledge test passes (new applicants only)
f) medical certificate (new applicants or renewals where the applicant has reached the prescribed age requiring a further check.
g) proof of right to work in the UK (new applicants and every renewal)
h) a passport-sized, clear and easily identifiable photograph of the applicant
i) a pass certificate for Driving Standards Agency advanced test
j) a safeguarding certificate relating to Licensed Driver – Taxi/Private Hire

All new applicants can submit the above documentation whilst waiting to take the knowledge test assessment.

5.4 Operators

An application for an operator licence will only be considered complete when all the following documents have been received:

a) prescribed application form, fully completed
b) appropriate fee
c) inspection of the operating premises by a licensing officer
d) basic Disclosure & Barring Service (DBS) disclosure, unless licensed as a driver with the Council

5.5 Submitting Applications and Documentation

Renewal application forms, appropriate fees and all supporting documentation should be submitted at least fourteen (14) days prior to the expiry of the previous licence. Incomplete applications may be returned to the applicant for resubmission when complete. A licence will not be renewed without all supporting documentation and the correct fee being received and satisfying the requirements of this policy. It is the licence holder's sole responsibility for ensuring they make their application in accordance with this Policy.

When submitting renewal applications, applicants should be aware that it may take up to five (5) working days to process and issue a licence once all relevant information and the fee have been received. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received.

Documentation must be emailed to the licensing department via email address licensing@fenland.gov.uk
Any original documentation for example right to work check, DBS certificate and DVLA licence can be verified during the knowledge test whilst visiting the council offices.

5.6 Issue of vehicle plates and driver badges

Once the application has been processed and the licence is issued, all Licence plates and driver badges will need to be collected from your requested location. Your paper licenses will be emailed directly to you.

5.7 Return of vehicle plates and licence badges

All licence plates and licence badges remain the property of the Council and must be returned:

a) upon written request within seven (7) days of such a request,
b) within seven (7) days of expiry or surrender, or
c) immediately upon suspension or revocation.
d) When collecting new plates/badges

A licence plate and a licence badge signify the existence of a current valid licence but are not licenses in their own right therefore there is no reason why a renewed licence plate or licence badge cannot be displayed from the point of receipt.

Renewed badges and plates will need to be collected from the council offices and old badges/plates returned at the same time. If unable to return at the same time, will need to be returned within 7 days of the collection of the new ones

5.8 New Driver Knowledge Tests

In order to maintain the high standards that the Council expects of its hackney carriage drivers operating within the District, all new drivers are required to pass a knowledge test. All parts must be passed to be considered for a hackney carriage or private hire driver licence. The written part is split into four (4) sections.

1) Legislation and policy knowledge
2) Basic Written literacy and numeracy
3) Routes (This section is for Hackney Carriage only)

Applicants will be tested on their knowledge of Fenland District and significant locations in the surrounding areas where they are likely to be required to travel to.

Questions for the knowledge test may include:

a) the shortest route between locations based on the town where the applicant will predominately ply for hire.
b) the shortest route between prominent locations based on the District as a whole .
c) the Council's Hackney Carriage and Private Hire Licensing Policy and relevant legislation.
d) customer care; and

e) basic numeracy, including the calculation of change for a given fare.

A maximum of One hour will be allowed for this part of the knowledge test and a pass of 80% must be achieved in each section as follows:

1) Policy and Legislation
2) Basic Written literacy and numeracy
3) Routes (This section is for Hackney Carriage only)

Driver Test Failure

Four (4) attempts are permitted at passing the knowledge test in a twelve (12) month period. In the event of a re-test taking place then each section must be taken as a whole test. The fee will include one test, any subsequent re-tests will be incurring a fee at the applicant's expense.

Booking Tests

Both written and verbal knowledge test are available on a monthly basis, save for exceptional circumstances. All bookings must be accompanied by the appropriate test fee paid at the time of booking; a cancellation fee will be charged for non-attendance without twenty-four (24) hours prior notice.

To book a knowledge test you can email licensing@fenland.gov.uk, please include a copy of your receipt as proof of payment. These tests only take place once a month and are normally held every third Tuesday

5.9 Disclosure & Barring Service (DBS) Disclosures

No application for a hackney carriage or private hire driver licence will be considered without an enhanced DBS disclosure satisfying the requirements of this Policy.

If you need to apply for a new DBS, this can be arranged following the submission of your new/renewal application.

The Council requires applicants to register with the online DBS checking service. This will enable the Council to check an existing DBS every six (6) months during the term of the licence and upon each renewal.

5.10 The consideration of applications

Upon receipt of a completed application form, including the fee and all supporting documentation, the Council will consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied.

For an application to be considered as a renewal application, the fully

completed application form and correct fee must be received prior to the expiry date of the previous licence. Accompanying documentation can then follow as it becomes available.
Failure to comply with this requirement will ordinarily result in the applicant having to re-apply as a new applicant and meet all the requirements of this Policy in respect of new applications.

PART 6 – DISCIPLINARY AND ENFORCEMENT MEASURES

6.1 Enforcement

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade. In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will operate a proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so. Where defects are such that use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable.

All enforcement action will be based upon the seriousness of the breach and the possible consequences arising from it.

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, the following:

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

The Council will ensure that its enforcement is in line with this Policy and also consider the Council's Enforcement Policy.

6.2 Penalty Points Scheme

In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holder's ability to fulfil the 'fit and proper' test, a penalty points system will be utilised as described in **Appendix D**. This will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement,

The Penalty Points System will not, however, compromise the Council's ability to enforce breaches of statute or the Council's Licensing Policy in the Courts should an offence necessitate such action.

6.3 Referrals to the Licensing Sub-Committee

Whilst the day to day enforcement of hackney carriage and private hire licensing, including the issuing of penalty points, is a function carried out by licensing officers under the supervision of the licensing manager, serious disciplinary matters will be referred to the Licensing Sub-Committee.

Serious disciplinary matters will include, but are not limited to:

a) an accumulation of twelve (12) or more penalty points as detailed in **Appendix D** during a rolling twelve (12) month period.
b) refusal to carry a passenger without good reason.
c) unlawful plying for hire.
d) more than one offence of touting for business.
e) insurance offences.
(v) overcharging; and
(vi) any conviction relevant to **Appendix B**.

The Licensing Sub-Committee will consider the impact of the breach, or an accumulation of penalty points, on the fitness of an individual to hold a hackney carriage or private hire licence and take appropriate action.

The individual or company will be entitled to attend a hearing with the Licensing Sub-Committee to answer allegations and/or provide any mitigating circumstances.

Prior to attending the hearing, the investigating officer will provide a written report containing all the information necessary to understand the allegation(s), the relevant sections of this Policy, the options available to the Licensing Sub-Committee and any other relevant information. The report will be provided to the individual or company at least five (5) days prior to the hearing.

The Licensing Sub-Committee may decide to take one or more of the following actions:

a) no action.
b) informal action (verbal or written warnings or penalty points).
c) require the production of driving licenses or other specified documentation at the Council Offices.
d) use statutory notices (s68 stop notices, etc.).
e) suspend a licence.
f) revoke a licence.
g) other appropriate action as deemed necessary, including any combination of the above.

<u>Alternative to enforcement action for first time smoking offences</u>

To support the initiatives of Cambridgeshire & Peterborough tobacco alliance strategy, in addition to offering health benefits to offenders, first time smoking offenders may be offered a fixed period of time, at the Council's discretion, to attend an official 'stop smoking' course.

Alternative to enforcement action when there are driving standards concerns

Where concerns are raised in respect of a driver's standard of driving, the driver may be required to re-take an appropriate driving standard assessment at the discretion of the Council. Failure to achieve a pass within a specified period will result in the suspension of the driver until such time as a pass is achieved. Where necessary for public safety, a driver may be suspended immediately until such time as a pass is achieved.

6.4 Informal Action

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

Informal enforcement action may be appropriate in, but not limited to, the following scenarios:

a) the act or omission is not serious enough to warrant formal action.
b) it can reasonably be expected that informal action will achieve future compliance.
c) confidence in the driver or operator is ordinarily high; or
d) the consequences of non-compliance will not pose a significant risk to public safety.

6.5 Suspension

Vehicles

Hackney carriage and private hire vehicles must be kept in an efficient, safe, tidy and clean condition at all times. Compliance with the vehicle specification and conditions of this Policy is essential and will be enforced by periodic, random vehicle inspections by the Council. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the licence holder setting out the defect(s) and the required action.

Where there is a risk to public safety the further use of the vehicle will be suspended until the defects have been remedied. The suspension will not then be lifted until the vehicle has undergone a further test at the Council's nominated testing facility, at the licence holder's expense, and meets the testing requirements of this Policy.

Drivers

The Council may exercise its discretion to suspend the operation of a driver's licence for a specified period at the discretion of the Licensing Manager. Following any temporary suspension issued, the Licensing Manager would then look to refer the licence holder to the Licensing Sub-Committee because they have been convicted of a serious criminal offence or have accumulated twelve or more penalty points under the

Council's penalty points system.

6.6 Section 68 (Stop) Notices

An Authorised Officer of the Council or a Police Officer may serve notice in writing for a hackney carriage or private hire vehicle, or the taximeter affixed to such a vehicle, to be examined at the Council's nominated testing 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.

In addition, the vehicle licence may be suspended until such time as the Council's testing requirements have been complied with if it is deemed necessary for public safety. The suspension notice will remain in force until the issuing officer has issued written confirmation that the Council's testing requirements have been met.

If the issuing 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.

6.7 Revocation

Where a licence holder has been referred to the Licensing Sub-Committee because they have:

a) committed a criminal offence.
b) have accumulated twelve (12) or more penalty points issued under **Appendix D**.
c) no longer meet the 'fit and proper' test set out in **Appendix A**; or
d) for any other reason whereby the policy objectives would not be met,

the Licensing Sub-Committee may revoke the licence. Ordinarily, 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 Licensing Sub-Committee may determine that a revocation takes immediate effect and is not held pending an appeal.

6.8 Refusal to Renew

As an alternative to revocation, the Licensing Sub-Committee 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 Licensing Sub-Committee may suspend the existing licence for the remainder of its licence period depending on the individual merits of the case.

6.9 Simple Cautions

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

a) deal quickly and efficiently with less serious offences.

b) divert less serious offences away from the Courts; and
c) reduce the likelihood of repeat offences.

In the interests of natural justice, the following criteria must be met before a Simple Caution is administered:

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

Where a person declines the offer of a Simple Caution, it will be necessary to consider taking alternative enforcement action; whilst this would ordinarily mean prosecution, this is not inevitable.

6.10 Prosecution

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:

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

A decision on whether to prosecute may consider, but is not limited to, the following:

a) the seriousness of the offence or contravention.
b) the risk of harm to the public.
c) identifiable victims (including the impact on the victims).
d) failure to comply with statutory notices, warnings, or other enforcement sanctions.
e) disregard of public safety for financial reward.
f) the offender's previous history, in particular repeated offences or contraventions.
g) the ability and willingness of witnesses to co-operate.
h) the likelihood of future compliance.
i) the probable public benefit of a prosecution and the importance of the case in establishing precedent or addressing public concern.
j) whether other action, such as a Simple Caution, would be more appropriate or effective.

6.11 Complaints against Drivers

Complaints against hackney carriage and private hire drivers are relatively low in Fenland District, however, when received usually relate to overcharging or unprofessional behaviour. All complaints will be fully investigated, often involving the taking of statements from the complainant, driver and any witnesses.

The investigating officer will consider all evidence and mitigating circumstances arising from the investigation before making a recommendation to the Licensing Manager who will reach a decision in accordance with the Council Enforcement Policy and this Policy.

The outcome of any complaint will be advised to the complainant in the form of a written response.

PART 7 – FARES

7.1 Hackney Carriages

Hackney Carriage Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. The Council considers it good practice to review the fare scales at regular intervals, and will, therefore, consider the fare scales when a request is received by the trade.

When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost- effective service at the times it is needed.

The fare for any journey that starts and ends within the Fenland District cannot exceed the metered fare based on the Council's maximum fare tariff. The meter should only be started when the passenger(s) is/are in the vehicle and the journey commences.

The maximum fares currently prescribed by the Council are set out on the Council's website. A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

The Council will review the fares tariff when a request is received from a minimum of three (3) licensed drivers. The Council will consult with the trade and follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976.
A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid.

7.2 Private Hire Vehicles

The fare for a journey in a private hire vehicle must be agreed with the private hire operator at the time of booking. The driver should charge no more than the fare agreed with the operator at the time of booking.

The agreement between the hirer and the operator can either be for a fixed monetary sum, or an agreement that the fare will be calculated using the meter within the vehicle. In the case of a metered fare, the starting point for engaging the meter must be agreed at the time of booking.
A private hire driver must, if requested by the passenger, provide a written receipt for the fare paid.

PART 8 – LICENCE FEES

8.1 Fee Structure

The legislation and established case law provide that licence fees should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of hackney carriages and private hire vehicles. In simple terms, the

Council can only set fees on a 'reasonable cost recovery' basis and cannot make a profit from licence fees when analysed over a typical three-year cycle.

Discretionary services that do not fall within the remit, such as pre-application advice, knowledge testing, Safeguarding Course, DBS appointments, etc. will be charged for separately utilising the same 'reasonable cost recovery' basis. This is to ensure that the cost of these applicant-specific services is not incorporated into the licence fees paid by existing licence holders.

The fees currently payable for the grant and renewal of hackney carriage and private hire licenses are set out on the Council's website. The fee structure is reviewed annually as part of the Council's budgetary process.

8.2 Payments

The Council can accept payment by debit or credit card, or BACS payments. The Council is unable to accept cash payments.

A payment can be made by accessing our website - https://www.fenland.gov.uk/pay or by contacting the customer service team on 01354 654321

8.3 Refunds and Duplicate Copies

In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, the Council may make a refund in respect of the whole months of the unexpired portion of the licence fee.

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

In the case of a licence that has been suspended, revoked or otherwise ends early due to disciplinary matters, no refund will be made by the Council.

PART 9 – HACKNEY CARRIAGE RANKS (STANDS)

9.1 Taxi Ranks/Stands

The Council will periodically review the provision of hackney carriage ranks/stands within the District. If there is evidence of the need to amend the existing provisions, a full consultation would be undertaken prior to any amendments. Comments are welcomed from either the trade or the public regarding the suitability of existing provision.

9.2 Waiting on Stands

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

Whilst the law states it is an offence to leave a vehicle unattended on a hackney stand, discretion will be allowed for drivers leaving their vehicles in acceptable circumstances, for example 'comfort breaks'. Leaving a hackney carriage unattended on a stand for any other circumstances, for example shopping, will be dealt with as an offence in accordance with this Policy.

9.3 Plying for Hire

For the avoidance of doubt, the Council does not have a by-law requiring hackney carriages to return to a taxi stand between fares. Hackney carriages can, therefore, park and be available for hire in any position where an ordinary member of the public can lawfully park. Hackney carriages are, however, subject to road traffic regulations and should not park in any position that obstructs the highway, the highway being both the road and the footway.

PART 10 – TRADE FORUM

10.1 Working Party

The Council wishes to encourage discussions between the trade and the licensing authority in order to promote a successful working relationship. To facilitate this, the Council has already set up a Hackney Carriage and Private Hire Working party to help facilitate the production of this policy.

We will continue to have meetings as required in order to maintain good communication and working relations between the trade and local authority. This is a combined mix of both Hackney Carriage and Private Hire drivers, and we would encourage this to continue to ensure a balanced view.

PART 11 – RIGHT OF APPEAL

11.1 Legislation

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

In general terms, 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:

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

12.2 Appeal process

Any appeal must be lodged at the Court within twenty-one days of the applicant receiving notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

A further right of appeal against the decision of the Magistrates' Court lies with the Crown Court.

PART 12 – DELEGATED POWERS

12.1 Authorised Officers

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, save for any issues delegated to the Licensing sub-Committee

All Officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations may issue penalty points in accordance with **Appendix D.**

12.2 Licensing Manager

The following powers are specifically reserved to the Licensing Manager (or, any officer delegated to act in association with the Licensing Manager):

a) the authorisation of applications that are compliant with this Policy,
b) minor departures from Policy
c) any minor amendment with regards to administration procedures as set out in section 1.3.
d) the issuing of Stop Notices under s68 of the 1976 Act,
e) temporary suspension of licensed drivers pending a disciplinary hearing before the Licensing Sub-Committee,

12.3 Licensing Sub-Committee

The following powers are specifically reserved to the Licensing Sub – Committee

a) suspension or revocation of existing licenses
b) refusal to renew existing licenses,
c) refusal of new applications,
d) any major amendments to this Policy in accordance with section 1.3
e) setting of hackney carriage and private hire licensing fees and charges,
f) setting of hackney carriage fare tariffs

PART 13 – DEFINITIONS

List of Policy Definitions

All references in this policy document can be linked to the following definitions

Term	Definition
the 1976 Act	the Local Government (Miscellaneous Provisions) Act 1976
Authorised Council Officer	Any officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution
Statutory Guidance	Statutory Taxi & Private Hire Vehicle Standards issued by the Department for Transport (dated July 2020)
IOL Guidance	Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades issued by The Institute of Licensing (dated April 2018)
the Council or the Licensing Authority	Fenland District Council
the trade	any holder of a current driver, vehicle or operator licence issued by Fenland District Council
the District	The geographical region contained within the boundaries of Fenland District
the Licensing Manager	The current post-holder (or the manager of the service area following any subsequent restructure) or any nominated deputy authorised by the Council's Scheme of Delegation
the licence plate or the plate	The vehicle licence plate issued to all vehicles and required to be displayed externally at the rear of all licensed vehicles
this Policy	Fenland District Council's Hackney Carriage and Private Hire Licensing Policy
proprietor licence	either a hackney carriage or private hire vehicle licence
Licensing Committee and Licensing Sub-Committee	The Elected Members Responsible Licensing and can act as a whole committee or can appoint members of the committee to form a sub-committee.

Registered Medical Practitioner	Any person with suitable qualifications in medicine and currently registered with the General Medical Council that is suitably qualified to perform the function of a General Practitioner (Doctor) or higher
driver Licence	Any reference to the term driver licence, unless prefixed by DVLA, refers to a hackney carriage or private hire driver's licence (within the context of the specific paragraph) issued by the Council
vehicle licence	Any reference to the term vehicle licence refers to a hackney carriage or private hire proprietor licence (within the context of the specific paragraph) issued by the Council

Hackney Carriage (as defined by s 38 of the Town Police Clauses Act 1847)

Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act; and in all proceedings at law or otherwise the term "hackney carriage" shall be sufficient to describe such carriage: Provided always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.

Private Hire Vehicle (as defined by s 80 of the Local Government (Miscellaneous Provisions) Act 1976)

A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

APPENDIX A
THE DEFINITION OF 'FIT AND PROPER'

The legislation clearly states that the Council may grant a licence only if it is satisfied that the applicant is a 'fit and proper' person. We will also refer to the expression "safe and suitable" as another interpretation to the meaning "fit and proper"

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.

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

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 a person for whom they care or any other person, to get into a licensed vehicle with the applicant day or night?"*

IOL Guidance

In deciding any applications as to a driver's suitability to be licensed, we will have full regard to the guidance document issued by the Institute of Licensing – *Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades*.

In order to further assist in understanding the interpretation of this definition, the Council will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving record, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.

It should be borne in mind that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, persons who are incapacitated from alcohol, lone women and foreign visitors. Some examples of areas of concern that the Council will consider include, but are not limited to:

a) Honesty and trustworthiness

Drivers often have knowledge that a customer is leaving a property empty; they have opportunities to defraud drunken, vulnerable or foreign persons; or they have opportunities to abuse their position of trust. 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.

b) Professionalism

Drivers are often 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 remain professional at all times and unacceptable behaviour by passengers does not excuse in any way aggressive or abusive conduct by drivers.

Confrontation should be avoided, and all disputes should be resolved through the formal legal channels. Under no circumstances must drivers take the law into their own hands.

c) 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 B
THE RELEVANCE OF CAUTIONS AND CONVICTIONS

General Principles

The over-riding consideration for the Council in its determination of applications is the promotion of the licensing objectives detailed within section 1.2 of this Policy, public safety.

Although regard will be taken of this Policy, each application will be determined on its own merits.

Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this Appendix is to formulate guidelines, consistent with national guidance, which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licenses, and the renewal of existing licenses, for hackney carriage and private hire vehicle, driver and operator licenses.

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.

For the purpose of this Policy, the acceptance of a Fixed Penalty Notice will be treated as a conviction. A caution may be treated as a conviction depending on the individual merits and mitigating circumstances of each case.

Period free from conviction

Any reference to a period free from conviction relates to the period commencing from either:

a) where a custodial sentence has been imposed, from the end of the custodial period; or
b) in any other case, from the date of conviction.

History

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.

DVLA Penalty Points

Hackney carriage and private hire drivers should provide a professional service to the public and must always be aware of the safety of passengers and other road users. Any traffic offence shows a lack of responsibility whilst driving either in terms of vehicle maintenance or the level of driving standards.

Convictions or cautions for traffic offences will not automatically preclude an applicant from obtaining a licence, however, the number, nature and frequency of such offences will be considered. In some circumstances it may be appropriate to issue a licence together with a written warning as to future driving standards detailing the likely effect of further offences. Where there is a significant history of driving offences, an application is likely to be refused.

Six unspent penalty points or less on a current DVLA driving licence
In cases of six (6) unspent penalty points or less on an applicant's DVLA driving licence, an application will usually be granted. A licence granted under these circumstances is likely to be issued together with a verbal warning as to future driving standards detailing the likely effect of further offences.

Seven unspent penalty points on a current DVLA driving licence
In cases of 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. Although all applications received both new and renewal showing seven (7) or more points on the DVLA licence will be referred to the Licensing Sub-Committee for them to determine the application.

Major Traffic Offences

For the purposes of this section, major traffic offences include, but is not limited to:

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

If the applicant has been convicted of one major traffic offence, then a licence application will be referred to the Licensing Sub-committee for them to determine.

"Totting Up" under section 35 of the Road Traffic Offenders Act 1988
Where an applicant/licence holder has been disqualified from driving by

the courts under the “totting up” procedure, the Council will normally refuse an application 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.

Failure to Declare Motoring Offences

Where an applicant/licence holder fails to disclose motoring offences on their application form, even if they have been declared on previous applications or are spent, the Council will normally deal with this by way of the issuing of penalty points. If, however, the Council determines that there was a premeditated intention to deceive, the matter will be considered as an offence of dishonesty and dealt with in accordance with that section of this policy.

Major Traffic Offences resulting in Death

The driving offences of causing death by:

a) dangerous driving,
b) careless driving,
c) driving under the influence of alcohol or drugs, or
d) 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 normally be refused.

Drunkenness

Separate consideration will be given to convictions for drunkenness whilst in charge of a vehicle as opposed to drunkenness whilst not in charge of a vehicle due to the differing risk to the public.

In Charge of a Motor Vehicle

The Council considers driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence causing a high element of risk to the public; however, an isolated incident will not automatically preclude an application from being granted.

a) A single conviction for any alcohol-related driving offence will normally preclude an application from being granted for a period of five (5) years from the restoration of the DVLA driving licence.
b) More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will be refused.

Not in Charge of a Motor Vehicle

An isolated conviction for drunkenness not associated with driving or being in charge of a motor vehicle will not automatically preclude an application.

a) Where there is an isolated conviction for disorder and/or drunkenness, a licence will normally be granted together with a verbal warning as to future driving standards detailing the likely effect of further offences.
b) More than two (2) convictions for disorder and/or drunkenness will normally lead to refusal of an application until such time as a period of three (3) years free of convictions has elapsed.

Drug Offences

The Council considers all offences related to controlled substances as a serious risk to the public.

An applicant with one conviction for any Class A drug related offence, including supplying or trafficking, will be required to show a period of ten (10) years free of convictions before an application is considered.

An applicant with more than one conviction for any Class A drug related offence, including supplying or trafficking, will be considered an unacceptable risk to public safety and an application will be refused.

An applicant with a conviction for any Class B drug related offence, including supplying or trafficking, will be required to show a minimum period of five (5) years free of convictions before an application is considered. The length of period over and above the minimum five (5) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

An applicant with a conviction for any Class C drug related offence will be required to show a period of at least three (3) years free of convictions before an application will be considered.

In all cases, where an applicant has been medically classed as an addict, an application will be precluded until such time as a period of five (5) years has elapsed since the completion of a recognised detoxification programme.

Sexual or Indecency Offences

As hackney carriage 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) will normally be refused a licence until such time as they have been free of convictions for a period of seven (7) to twelve (12) years. The length of period over and above the minimum seven (7) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

Major Sexual or Indecency Offences

For the purpose of this Policy, the following offences will be considered as major sexual or indecency offences with the highest element of risk to the public:

a) rape.
b) indecent or sexual assault.
c) assault by penetration.
d) making, distributing or possession of child pornography.
e) trafficking and/or preparatory offences (defined by the Sexual Offences Act 2003); or
f) sexual offences involving children or vulnerable adults

Any applicant with a conviction for a major sexual or indecency offence will be considered an unacceptable risk to the public and any application will be refused.

Violent Offences

The Council considers all violence related offences as a serious risk to the public; offence of public order will be treated as a violent offence for the purposes of this Policy.

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

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

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

f) arson,
a) possession of a weapon (other than a firearm),
b) any racially aggravated offence,
c) any offence that may be categorised as domestic violence,
d) violent disorder or riot.

unless there has been a period of ten (10) years free of conviction.

An application will normally be refused where the applicant has a conviction for a violent offence, other than those listed above, unless there has been a period of five (5) to ten (10) years free of convictions. The length of period over and above the minimum five (5) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

Multiple Offences

Whilst an isolated conviction for a violent offence, other than those listed above, will not normally permanently exclude an application, the Council will have grave concern for public safety if an applicant has committed multiple violent offences.

An application will be refused in cases where an applicant has three (3) or

more separate convictions for violent offences.

Dishonesty

Hackney carriage and private hire drivers are expected to be persons of trust; it is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the difference in currency and become vulnerable to an unscrupulous driver. Equally, any 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. As members of the public entrust themselves to the care of licensed drivers, the Council considers offences involving dishonesty as a serious risk to public safety.

An applicant 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 a period of five (5) to ten (10) years. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

Other Offences and Special Circumstances

If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, or the specific circumstances of the application justify it, the application may be referred to the Licensing Sub-Committee for determination in line with the principles of this policy.

In particular, if an applicant/licence holder is not precluded by any one section of this policy but has a series of convictions that in there totality cause concern as to their ability to meet the ‘fit and proper’ test, the application maybe refer to the Licensing Sub-Committee for determination in line with the principles of this policy.

Summary

Except in the most serious of circumstances, an applicant having a previous or current conviction will not normally be permanently excluded from obtaining a hackney carriage or private hire driver’s licence.

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.
The Council’s over-riding policy objective is to safeguard the safety of the general public by ensuring that all licensed drivers are safe, competent, and are able to maintain their vehicles to an acceptable standard.

By producing clear and transparent guidelines on the relevance of convictions, the Council is seeking to maintain the high standard of hackney carriage and private hire drivers, proprietors and operators within Fenland.

Existing Licence Holders

Any existing licence holder convicted of an offence during the period of their current licence will be subject to the above policy relating to the relevance of convictions as though they were a new applicant

Existing licence holders should be aware that if the Council receives notification from the police that a driver is being investigated for an offence that would preclude the grant of a licence or is likely to result in the revocation of an existing licence, their licence will normally be revoked with immediate effect pending the outcome of the investigation.

a) In the event that no charges are laid against the licence holder, the licence will ordinarily be reinstated for its original duration.
b) In the event that the licence holder is found not guilty, the licence will ordinarily be reinstated for its original duration, save for any previous or ongoing concerns relating to the licence holder's ability to meet the 'fit and proper' test.

In this situation the licence holder would be suspended and referred to the Licensing Sub-committee for them to make a decision based on the principles of this policy.

Principles of the Rehabilitation of Offenders Act 1974 ("the 1974 Act")

Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely. The possibility of rehabilitation, and the length of time before rehabilitation occurs, depends on the sentence imposed and not the offence committed. Where a person is sentenced to imprisonment for a period exceeding thirty months, the conviction can never be spent.

Despite the above general principles, the Act does not apply to applicants for hackney carriage and private hire drivers' licenses. This is because the driving of these vehicles is listed as a "regulated occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

Although the 1974 Act does not prevent any judicial authority, including the Council acting as the licensing authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a 'fit and proper person' to hold a licence. The determination as to whether certain

convictions are spent, therefore, may be a relevant exercise.

Mitigation and/or Exceptional Circumstances

Where the Licensing Sub-Committee are considering whether an applicant meets the ‘fit and proper’ person test, the applicant will be entitled to provide them with any written mitigating circumstances.

The applicant will be invited to attend a Licensing Hearing. Prior to attending the hearing, the applicant will be provided with a committee report containing all the information necessary for the Licensing Sub-Committee to review at the hearing. The report will be provided to the applicant at least five (5) days prior to the hearing.

APPENDIX C - DRIVER CODE OF CONDUCT

General Responsibilities of a Licensed Driver

Licensed drivers shall use their best endeavour to promote the image of the trade by:

a) complying with all aspects of this Policy,
b) maintaining their vehicles in a safe and satisfactory condition at all times,
c) attending punctually when undertaking pre-booked hiring,
d) assisting passengers entering into and alighting from the vehicle,
e) offering passengers reasonable assistance with luggage, and
f) behaving in a civil, orderly and responsible manner at all times.

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

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

Whilst waiting on hackney carriage ranks, a licensed driver shall:

a) rank in an orderly manner and proceed promptly along the rank in accordance with rank protocol, and
b) remain in the vehicle where possible,
c) no vehicle idling.

Whilst waiting at private hire operator premises, a licensed driver shall:

a) not undertake servicing or repair of vehicles on the highway,
b) not undertake servicing or repair of vehicles on the premises unless appropriate planning permission has been obtained, and
c) take whatever action is necessary to ensure that the business operation does not cause unnecessary disturbance to residents.

Driver Dress Code

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

In order to raise the profile of the licensed trade, drivers should always operate in a professional manner and conform to minimum standard of dress and personal hygiene.
The following are deemed unacceptable: -

a) Clothing not kept in a clean condition or which is torn or damaged;
b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend;

c) Sportswear (e.g. football/rugby kits, track suits, beach wear etc.);
d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel;
e) Drivers not having either the top or bottom half of their bodies suitably clothed;
f) Shorts, other than tailored shorts;

Driver Conduct

The driver shall be respectably dressed, clean and tidy in appearance always whilst their vehicle is being made available for hire.

The driver shall always, when acting in accordance with the drivers 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.

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

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

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.

The driver shall not willfully 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.

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 enough cause, punctually attend with such vehicle at such appointed time and place.

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

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.

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

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

The vehicle shall be presented in a clean and tidy condition for each journey.

The Health Act 2006 prohibits smoking in enclosed places, all licensed vehicles are designated as an enclosed public space and therefore it is unlawful for any person to smoke in a licensed vehicle at any time, including any time when it is not being used for hire.
Therefore, the driver must not smoke or 'vape' in a licensed vehicle at any time.

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

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.

The driver shall not operate the horn as a means of signaling that the vehicle has arrived.

Drivers must not use a mobile phone whilst driving unless it is designed for hands-free operation.

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

a) any criminal conviction, caution, or fixed penalty notice,
b) any driving endorsement,
c) any change of medical condition that may impact on the ability to drive,

Lost Property

A licensed driver shall diligently search the vehicle after each passenger has left the vehicle for any property which may have been accidently left therein.

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.

Any property found that is not identifiable to a passenger and not subsequently claimed within two (2) days should be taken to the nearest police station and/or left in the custody of a police officer after obtaining a receipt.

Carriage of Animals

A driver may not carry any animal not belonging to a passenger in a

licensed vehicle whilst available for hire or carrying passengers.

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.

Assistance Dogs

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 assist a disabled person with a physical or mental impairment.

Carriages of Passengers with Wheelchairs

Passengers with wheelchairs often prefer to travel in normal saloon, estate or multi-passenger vehicles rather than a specially adapted wheelchair accessible vehicle. In these circumstances, a driver **must** carry a passenger with a wheelchair unless the vehicle is unable to accommodate the wheelchair within the luggage compartment.

Drivers of wheelchair accessible vehicles must:

a) not refuse to carry any passenger with a wheelchair,
b) not charge any additional fare for passengers with wheelchairs,
c) be fully conversant with the correct method of operating all ramps, lifts and wheelchair restraints fitted to the vehicle,
d) 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,
e) ensure that all ramps, lifts and wheelchair restraints fitted to the vehicle are always available in full working order when the vehicle is available for hire.

APPENDIX D - PENALTY POINTS SCHEME

Guidance Notes

The Penalty Points Scheme will operate as follows:

The Council's Enforcement Policy will be fully considered by the enforcing officer when determining the way any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this Appendix. If this appendix allows a range of points for the incident, the enforcing officer will determine the appropriate number of points proportionate to the offence.

Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a driver will be assessed in terms of the 'fit and proper person' test. The points system is predominately an internal management tool for ensuring that drivers who repeatedly contravene regulations and/or this Policy are assessed by the Licensing Manager.

Issuing Process

Points issued to either a proprietor or driver (includes both Hackney Carriage and Private Hire) will be confirmed in writing within ten (10) working days from the discovery of the contravention or the conclusion of an investigation into a complaint, whichever is the later.

When issued, the penalty points will remain "live" for a period of twelve (12) months from the date they are imposed so that only points accumulated in a rolling twelve (12) month period will be considered.

If a driver, proprietor or operator accumulates twelve (12) or more points within a period of one (1) year from the date they are imposed, they will be required to attend a Licensing hearing with the Licensing Sub-Committee, where the appropriate action to be taken in accordance with this Policy.

Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the "live" period is extended or a written warning given, however, the points will remain "live" for the normal one-year period.

Even though penalty points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with penalty points, or has been formally cautioned, for similar

offences, the Council reserve the right to cancel the penalty points and deal with the matter in accordance with the Enforcement Policy and the provisions of Part 6 of this Policy. 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.

Appeal Process

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.

Table of Offences

The penalty points are issued in conjunction with the level of fine that could be issued by the courts should the applicant be prosecuted for the offence.

The following abbreviations are used.

TPCA – Town Police Clauses Act 1847
LGMPA – Local Government (Miscellaneous Provisions) Act 1976
EA – Equality Act 2010
TA – Transport Act 1980
HC – Hackney Carriage
PH – Private Hire

Levels of Fines.
Level 1 £250, Level 2 £500, Level 3 £1,000 Level 4 £2,500 Level 5 £5,000

HACKNEY CARRIAGE VEHICLE PROPRIETORS' PROVISIONS				
Legislation	**Code**	**Offence**	**Maximum Penalty**	**Penalty Points**
s.40 TPCA	H01	Giving false information on an application for HC proprietors licence	Level 1	2
s. 44 TPCA	H02	Failure to notify change of address of HC proprietor	Level 1	2
s. 45 TPCA	H03	Plying for hire without a HC proprietor's licence	Level 4	8
s.47 TPCA	H04	Driving a HC without a HC driver's licence	Level 3	6
s.47 TPCA	H05	Lending or parting with a HC driver's licence	Level 3	6
s.47 TPCA	H06	HC proprietor employing an unlicensed driver	Level 3	6
s.48 TPCA	H07	Failure by HC proprietor to hold a HC driver's licence	Level 1	2
s.48 TPCA	H08	Failure by HC proprietor to produce HC driver's licence	Level 1	2
s.52 TPCA	H09	Failure to display HC plate	Level 1	2

s.54 TPCA	H10	Demanding more than the agreed fare	Level 1	2
s.49 LGMPA	H11	Failure to notify transfer of HC proprietor's licence	Level 3	6
s.50(1) LGMPA	H12	Failure to present HC for inspection as required	Level 3	6
s.50(2) LGMPA	H13	Failure to inform local authority where HC is stored if requested	Level 3	6
s.50(3) LGMPA	H14	Failure to report an accident involving a HC to local authority within 72 hours	Level 3	6
s.50(4) LGMPA	H15	Failure to produce HC proprietors' licence or insurance certificate	Level 3	6
s.57 LGMPA	H16	Making false statement or withholding information to obtain HC vehicle's licence	Level 3	6
s.58(2) LGMPA	H17	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietors licence	Level 3 plus daily fine of £10	6
s.71 LGMPA	H18	Interfering with a taximeter or allowing a vehicle to be used without an approved and tested taximeter	Level 3	6
s.73(1)(a) LGMPA	H19	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	H20	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c) LGMPA	H21	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	H22	Making a false statement to authorised persons	Level 3	6

HACKNEY CARRIAGE DRIVERS' PROVISIONS				
Legislation	**Code**	**Offence**	**Maximum Penalty**	**Penalty Points**
s.47 TPCA	D01	Driving a HC without a HC driver's licence	Level 3	6
s.52 TPCA	D02	Driver refusing to carry the prescribed number	Level 1	2
s.53 TPCA	D03	Refusal (without reasonable excuse) to take a fare	Level 2	4
s.54 TPCA	D04	Charging more than the agreed fare	Level 1	2

s.55 TPCA	D05	Obtaining more than the legal fare	Level 3- and 1-months imprisonment until the excess is re- funded	6
s.56 TPCA	D06	Travelling less than the lawful distance for an agreed fare	Level 1	2
s.57 TPCA	D07	Failing to wait after a deposit to wait has been paid	Level 1	2
s.58 TPCA	D08	Charging more than the legal fare	Level 3	6
s.59 TPCA	D09	Carrying any other person than the hirer without consent	Level 1	2
s.60 TPCA	D10	Driving a HC without proprietors' consent	Level 1	2
s.60 TPCA	D11	Person allowing another to drive HC without proprietor's consent	Level 1	2
s.61 TPCA	D12	Drunken driving of a HC	Level 1	2
s.61 TPCA	D13	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1	2
s.62 TPCA	D14	Driver leaving HC unattended	Level 1	2
s.64 TPCA	D15	HC driver obstructing other HC drivers	Level 1	2
s.53(3) LGMPA	D16	Failure to produce HC driver's licence	Level 3	6
s.54 LGMPA	D17	Failing to wear driver's badge when acting in accordance with a hackney carriage driver's licence	Level 3	6
s.57 LGMPA	D18	Making false statement or withholding information to obtain HC driver's licence	Level 3	6
s.61(2) LGMPA	D19	Failure to surrender drivers' licence after suspension, revocation or refusal to renew	Level 3	6
s.66 LGMPA	D20	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3	6
s.67 LGMPA	D21	Charging more than the meter fare when HC used as a private hire vehicle	Level 3	6
s.69 LGMPA	D22	Unnecessarily prolonging a journey	Level 3	6
s.71 LGMPA	D23	Interfering with a taximeter.	Level 3	6

s.73(1)(a) LGMPA	D24	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	D25	Failure to comply with requirement of authorised officer or constable	Level 3	6

s.73(1)(c) LGMPA	D26	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	D27	Making a false statement to authorised persons	Level 3	6

PRIVATE HIRE VEHICLE PROPRIETORS' PROVISIONS				
Legislation	**Code**	**Offence**	**Maximum Penalty**	**Penalty Points**
s.46(1)(a) LGMPA	P01	Using an unlicensed PH vehicle	Level 3	6
s.46(1)(c) LGMPA	P02	Proprietor of a PH vehicle using an unlicensed driver	Level 3	6
s.48(6) LGMPA	P03	Failure to display PH vehicle plate in prescribed manner	Level 3	6
s.49 LGMPA	P04	Failure to notify transfer of PH vehicle licence within 14 days	Level 3	6
s.50(1) LGMPA	P05	Failure to present PH vehicle for inspection as required	Level 3	6
s.50(2) LGMPA	P06	Failure to inform local authority where PH vehicle is stored if requested	Level 3	6
s.50(3) LGMPA	P07	Failure to report an accident involving a PH vehicle to local authority within 72 hours	Level 3	6
s.50(4) LGMPA	P08	Failure to produce PH vehicle licence and insurance certificate	Level 3	6
s.57 LGMPA	P09	Making false statement or withholding information to obtain private hire vehicle's licence	Level 3	6
s.58(2) LGMPA	P10	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	Level 3 plus daily fine of £10 per day	6
s.71 LGMPA	P11	Interfering with a taximeter	Level 3	6
s.73(1)(a) LGMPA	P12	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	P13	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c)	P14	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	P15	Making a false statement to authorised persons	Level 3	6

s.46(1)(b) LGMPA	D28	Driving a PH vehicle without a PH driver's licence	Level 3	6
s.48(6) LGMPA	D29	Failure to display PH vehicle plate in prescribed manner	Level 3	6
s.53(3) LGMPA	D30	Failure to produce PH driver's licence	Level 3	6
s.54(2) LGMPA	D31	Failure to wear PH driver's badge	Level 3	6
s.57 LGMPA	D32	Making a false statement or withholding information to obtain a PH driver's licence	Level 3	6
s.61(2) LGMPA	D33	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3	6
s.64 LGMPA	D34	Permitting any vehicle other than a HC to wait on a HC stand	Level 3	6
s.69 LGMPA	D35	Unnecessarily prolonging a journey	Level 3	6

s.71 LGMPA	D36	Interfering with a taximeter	Level 3	6
s.73(1)(a) LGMPA	D37	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	D38	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c)	D39	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	D40	Making a false statement to authorised persons	Level 3	6

PRIVATE HIRE OPERATORS' PROVISIONS				
Legislation	**Code**	**Offence**	**Maximum Penalty**	**Penalty Points**
s.46(1)(d) LGMPA	O01	Operating a PH vehicle without a PH operator's licence	Level 3	6
s.46(1)(e) LGMPA	O02	Operating a vehicle as a PH vehicle when the vehicle or driver is not licensed as a PH vehicle or PH driver	Level 3	6
s.56(2) LGMPA	O03	Failure by PH operator to keep a record of bookings	Level 3	6
s.56(3) LGMPA	O04	Failure by PH operator to keep records of PH vehicles operated by him	Level 3	6
s.56(4) LGMPA	O05	Failure to produce PH operator's licence on request	Level 3	6
s.57 LGMPA	O06	Making a false statement or withholding information to obtain a PH operator's	Level 3	6

		licence		
s.73(1)(a) LGMPA	O07	Obstruction of authorised officer or constable	Level 3	6
s.73(1)(b) LGMPA	O08	Failure to comply with requirement of authorised officer or constable	Level 3	6
s.73(1)(c)	O09	Failure to give information or assistance to authorised officer or constable	Level 3	6
s.73(2) LGMPA	O10	Making a false statement to authorised persons	Level 3	6

EQUALITY ACT 2010				
Legislation	**Code**	**Offence**	**Maximum Penalty**	**Penalty Points**
s. 168 (2)(a) EA 2010	EA1	Refusal by HC driver to carry an assistance dog unless in possession of an exemption certificate	Level 3	6
s. 168 (2)(b) EA 2010	EA2	HC driver making an additional charge for carrying an assistance dog accompanying a disabled passenger	Level 3	6
s. 170 (1)(a) EA 2010	EA3	Refusal by PH operator to accept booking if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person	Level 3	6
s. 170 (2) EA 2010	EA4	PH operator making an additional charge for carrying an assistance dog accompanying a disabled passenger	Level 3	6
s. 170 (3)(a) EA 2010	EA5	PH driver failing or refusing to carry out a booking accepted by the operator if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person,	Level 3	6
s. 170 (3)(b) EA 2010	EA6	PH driver failing or refusing to carry out a booking accepted by the operator if the booking is that the disabled person is accompanied by an assistance dog.	Level 3	6

Transport Act 1980				
Legislation	**Code**	**Offence**	**Maximum Penalty**	**Penalty Points**
s.64(2)(a) TA 1980	TR1	Driving a Private Hire vehicle with a roof sign that contravenes section 64(1) of the Act	Level 3	6
s.64(2)(a)	TR2	Causing or permitting a Private Hire vehicle to be driven with a roof sign that contravenes section 64(2)(b)	Level 3	6

Fenland District Council Hackney Carriage and Private Hire Driver Conditions			
Code	**Offence**	**Max Penalty**	**Penalty Points**
Fenland District Council Hackney Carriage and Private Hire Driver Conditions			
FDC01	Failure to comply with Hackney Carriage/Private Hire Vehicle Drivers Conditions of Licence		4
Fenland District Council Hackney Carriage and Private Hire Vehicle Licence Conditions			
FDC02	Failure to comply with Hackney Carriage/Private Hire Vehicle Conditions of Licence		4
Fenland District Council Operator Licence Conditions			
FDC03	Failure to comply with Private Hire Vehicle Operator Conditions of Licence		4
FDC04	Any other reasonable cause.		3 – 12

APPENDIX E
CONDITIONS FOR LICENSING STRETCHED LIMOUSINES

Permitted Vehicle Types

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

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

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.

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.

All limousines licensed as private hire vehicles must:

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

Legislation

Seatbelts complying to all relevant legislation must be fitted to all forward and rear facing seats and must always be worn by passengers whilst 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 always be worn by passengers whilst the vehicle is in motion.

If alcohol drinks are to be provided in the vehicle:

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

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.

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

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.

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

Guidance Notes

From 1 December 2016, the Council is under a new legal duty to ensure that both the driver and operator licenses are only issued to applicants who have lawful immigration status and the right to work in the UK. By law, the Council cannot issue a licence to any applicant that does not satisfy this requirement. This change of law applies to all applicants regardless of where they were born, how long they have lived in the UK and, if they already hold a driver or operator licence, how long they have held that licence.

All applicants will need to attend the Council Offices where a council officer will check your original valid documentation evidencing your right to work in the UK (this can be arranged at the same time as attending for a knowledge test or a DBS appointment). You must attend in person and bring evidence of your right to work in the UK. Only certain types of documentation are acceptable.

a) For applicants who are British Citizens
All you need to provide is a British passport confirming you are a British Citizen
If you do not have a British passport you can produce any of the other documents contained within **List A**.

b) For applicants who are not British Citizens but have no restrictions on their right to work in the UK
All you need to provide is any of the other documents contained within **List A.**

c) For applicants who have restrictions on their right to work in the UK
You will need to produce any of the documents contained within **List B**. If your documentation proves a right to work that expires prior to the normal licence expiry date, your licence will only be granted for the period we have proof of a right to work.

If you have a VISA that confirms your right to reside in the UK, but it is attached to an expired passport we cannot accept this as proof. You will need to apply to the Home Office to obtain acceptable proof, such as a biometric residence permit. Once a valid application to the Home Office has been confirmed, a six-month licence can be granted to allow time for the Home office to process the application.

You must bring original documentation (not a photocopy) and it is your responsibility to make sure you can provide acceptable forms of documentation.
The council officer will check that your documentation is acceptable based on either List A or List B (depending on your circumstances), check that the document is an original and relates to the person providing it, and

take a photocopy for Council records.

If the documentation you provide demonstrates that you have a permanent right to work in the UK (from **List A**) you will not be required to produce documentation for future applications.
In other cases, you will be required to provide your documentation when you next apply to renew your licence so that your right to work can be verified again at that point in time.

List A

a) A passport showing the holder, or a person named in the passport as the child of the holder, is a British Citizen or a citizen of the UK and Colonies having the right of abode in the UK.

b) A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

c) A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

d) A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

e) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

f) A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit o their stay in the UK.

g) A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed toasty indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

h) A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

i) A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

j) A certificate of registration or naturalisation as a British Citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B

a) A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.

b) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.

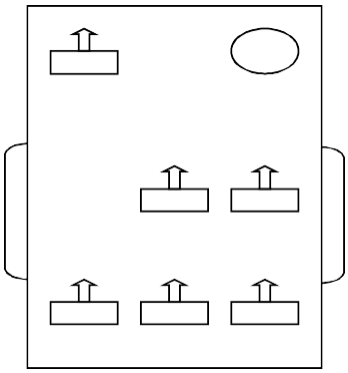
c) A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.

d) A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

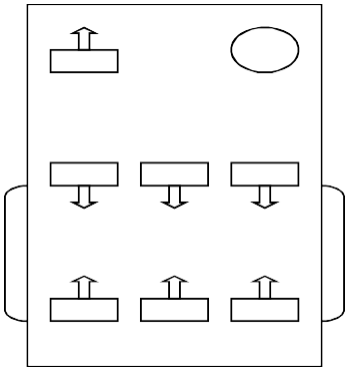
e) A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. *This licence may be granted for six months from the date of the Certificate of Application.*

f) A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in-time application, appeal or administrative review and which is outstanding. *This licence may be issued for six months from the date of the licence decision.*

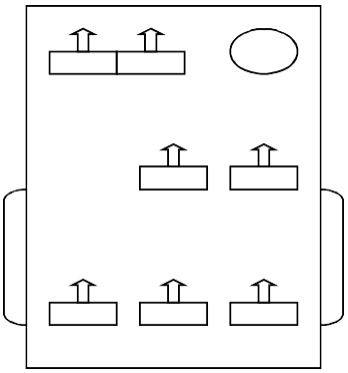
APPENDIX G
APPROVED SEATING CONFIGURATIONS IN MULTI-PASSENGER

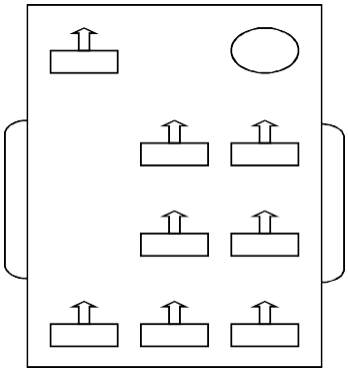


Six-seater vehicle



Seven-seater vehicle





Eight-seater vehicle

Driver

Passenger Seat ⇧ Passenger facing

Door

APPENDIX H
VEHICLE COMPLIANCE STANDARDS

Guidance

Standards of vehicle test to be applied in addition to the statutory requirements of the MOT test.

This document is intended to provide practical guidance to the Council's vehicle testers charged with assessing vehicles being issued with a Certificate of Compliance.

It will also give a general insight into the type of examination the vehicle will be subjected to before it can be issued with a Certificate of Compliance.

It is the responsibility of owners, operators and drivers to ensure that their vehicles always comply with the current rules and regulations of the appropriate Road Traffic Act and current Construction and Use Regulations.

Where a vehicle is found not to conform to the requirements of an MOT test and/or the compliance test standards, that vehicle may have its licence suspended until the Councils authorised officers are satisfied that the vehicle is fit to be licensed.

No adaptations, alterations, modifications, additional equipment, optional extras except for tow bars fitted to a professional standard, are to be fitted to the vehicles without the prior approval of the Council.

Any owner wishing to alter or modify the vehicle, including the fitting of extras or alternative parts to those supplied by the manufacturer must seek prior permission from the Council.

Certain modifications may require special inspection by the Council's Authorised Officer or his/her nominee before approval is given. (A fee may be applicable).

When a vehicle presented for compliance test fails that vehicle will have to be re-submitted for a full compliance test and the fee charged will be the re-test fee.

All compliance failure items must be resolved before a vehicle licence plate can be issued.

APPENDIX I – FENLAND DISTRICT COUNCIL BYELAWS

These Byelaws were made under Section 68 of the Town Police Clauses Act, 1847, and Section 171 of the Public Health Act, 1875, by the Fenland District Council with respect to hackney carriages in Fenland District.

Interpretation

1) Throughout these byelaws “the Council” means the District Council of Fenland and “the District” means Fenland District.

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

2) a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

b) A proprietor or driver of a hackney carriage shall.

i. I not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.

ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3) The proprietor of a hackney carriage shall.

a) provide sufficient means by which any person in the carriage may communicate with the driver.
b) cause the roof or covering to be kept water tight.
c) provide any necessary windows and means of opening and closing not less than one window on each side.
d) cause the seats to be properly cushioned or covered.
e) cause the floor to be provided with a proper carpet, mat, or other suitable covering.
f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service.
g) provide means for securing luggage if the carriage is so constructed as to carry luggage.
h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.

i) provide at least two doors for the use of persons conveyed in such a separate means of ingress and egress for the driver.

4) (a) The proprietor of a hackney carriage shall cause any taximeter, with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:

b) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter.

c) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.

d) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the Council in that behalf;

e) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.

f) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;

g) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter.

b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness; this being the time between half- an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.

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

7) Every proprietor of a hackney carriage not provided with a taximeter fitted with a flag or other device bearing the words “for hire” shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:

a) the sign shall bear the words “For Hire” in plain letters at least one and a half inches in height and

b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the vehicle is for hire.

8) The driver of a hackney carriage provided with a sign in pursuance of Byelaw 7 shall

a) when standing, or plying for hire, operate the sign so that the words “For Hire” is clearly and conveniently legible by persons outside the carriage.

b) as soon as the carriage is hired, whether by distance or by time, operate the said sign so that the words “For Hire” are not conveniently legible to persons outside the carriage.

9) the driver of a hackney carriage shall, when plying for hire in any street and not actually hired,

a) where appropriate proceed with reasonable speed to one of the stands fixed by the Council, where appropriate, in that behalf except that in March the driver shall not station the carriage in the stand if the other two places in the stand are occupied by carriages owned by his firm or by the firm for which he is driving;

b) on arriving at a stand in Wisbech not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction.

c) in respect of b) above from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

10) a proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such

carriage and shall not make use of the services of any other person for the purpose.

11) The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

12) The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

13) A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

14) If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when, hired, wear that badge in such position and manner as to be plainly visible.

15) The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage,

a. conveys a reasonable quantity of luggage.
b. affords reasonable assistance in loading and unloading;
c. affords reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

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

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

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

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

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

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

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

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

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

b. is entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.