



Lichfield  
District Council

# DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2024

Effective date 1 April 2025

<b>Approved by:</b>	
<b>Approval date:</b>	
<b>Author/owner:</b>	
<b>Review frequency:</b>	5 years
<b>Next review date:</b>	1 April 2030
<b>Location:</b>	

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## 1. Introduction

Lichfield District Council is responsible for the regulation of the hackney carriage and private hire trade within Lichfield district. This involves licensing drivers, hackney carriages, private hire vehicles, and private hire operators.

The Council recognises that its licensed drivers, vehicles, and operators provide a valuable service to the public and, as ambassadors for the district, expects them to maintain the highest of standards in terms of safety and customer service.

## 2. PURPOSE AND SCOPE OF THE POLICY

This policy will guide the work of the Council in the way in which it carries out its hackney carriage and private hire related functions. The policy has been developed by the Council in consultation with the trade, the public, and the police and with due regard to legislation and guidance. The list of applicable legislation and guidance can be found at **Appendix 1**.

In addition to the statutory and best practice guidance, the Council will carry out its functions with a view to promoting the following objectives:

### 1. Protecting the health, safety and wellbeing of drivers and passengers

- Driver training, qualifications, and performance
- Medical fitness to fulfil the role of a licensed driver
- Applying vehicle specifications
- Requiring regular vehicle compliance inspections

### 2. Promoting passenger comfort and good customer service

- Standards of vehicle comfort and appearance
- Space standards for vehicles
- Provision of vehicles for disabled passengers
- Knowledge of Lichfield district
- Monitoring the number of taxis available
- Expecting the highest standards of customer service

### 3. Prevention of crime and disorder

- Effective conditions and disciplinary processes
- Vetting and training of licence holders
- Measures to prevent nuisances
- Commitment to work with the police and other agencies
- Undertaking proactive and reactive compliance and enforcement operations

### 4. Encouraging environmental sustainability

- Encouraging a reduction in harmful vehicle emissions
- Applying levers to increase reliance on hybrid and electric vehicles

### 5. Promoting the vision of Lichfield District Council

- Promoting the Council's vision, values, priorities and commitments as set out in the Lichfield District 2050 Strategy

In promoting these objectives, the Council expects that licence holders continuously demonstrate that they meet or exceed the related requirements.

The Council will take these objectives into account when making decisions. It is recognised that the licensing function is only one means of securing the achievement of the above objectives and the Council will continue to

work in partnership with the trade, neighbouring local authorities, the police and other agencies, in addition to local businesses and the public.

This policy sets out application requirements and standards that shall be met. In exercising its regulatory functions, the Council will have regard to this policy, however each application or enforcement intervention will be considered on its own merits. Where it has been necessary to depart from the policy, clear and compelling reasons will be evidenced.

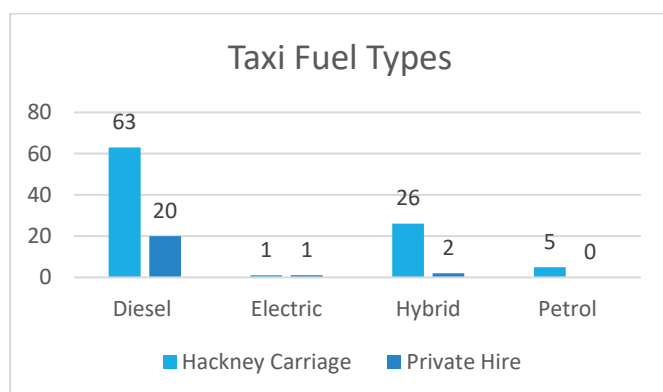
The Council will formally review the policy at least once every five years. It will be re-evaluated as required and minor changes may be made without consultation, particularly to reflect changes to legislation or guidance.

### 3. WHAT DOES THE DATA TELL US – NOVEMBER 2024

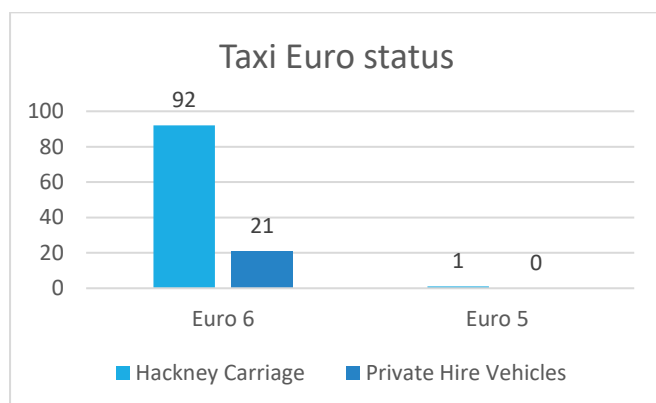
The Council licences 118 vehicles as taxis, of these 95 are hackney carriages and 23 are private hire vehicles. The average age of a vehicle is 5.55 years, with private hire vehicles on average being slightly newer than hackney carriages (4.55 years against 5.79 years). The Council licences two wheelchair accessible vehicles.

The Council licenses 143 drivers.

The breakdown of vehicle fuel types is shown below.



Except for one, all vehicles are already Euro 6 status. This is the very latest standard for vehicle exhaust emissions.



### 4. LICHFIELD DISTRICT COUNCIL'S STRATEGIC AMBITIONS

This policy will support the Lichfield District 2050 Strategy through the following priorities:

- **Green communities**

By supporting and encouraging licence holders to move towards hybrid and electric vehicles this policy will support the Council's priority of achieving carbon neutrality by 2050.

The provision of a good local service by licence holders, one that is reliable, safe, and well managed, can help provide an alternative to private car ownership particularly in areas of the district not well served by public transport.

In 2020, on average, people in households without access to a car made over four times as many hackney carriage or private hire trips than those with access to a car (18 trips versus 4 trips per person respectively) and travelled more than twice as far (61 miles versus 23 miles per person respectively)<sup>1</sup>.

- **Prosperous communities**

Hackney carriage and private hire vehicles play an important part in the night time and visitor economies. A good local service that is reliable, safe, and well managed can attract people to the district and add value to their experience.

Hackney carriage and private hire vehicles also provide an important means for people with mobility issues to get around and access services and experiences in the district. Average usage makes up 3% of all trips for those with disabilities, compared to just 1% for those without disabilities. These proportions have remained broadly stable since 2010<sup>2</sup>. The trade plays an important part in allowing all people to contribute to the economy across the district and to fully participate in activities and services regardless of location and ability.

## 5. APPLICATION AND DEFINITIONS

The four types of licence:

- Combined hackney carriage and private hire drivers' licence (for 3 years)
- Private hire vehicle licence (for 1 year)
- Hackney carriage vehicle licence (for 1 year)
- Private hire operator licence (for 5 years)

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### VEHICLES NOT REQUIRED TO BE LICENSED

The following vehicles are not required to be licensed:

- Vehicles owned by funeral directors wholly or mainly for the purpose of funerals
- Ambulances and vehicles driven by volunteers
- Vehicles used solely for the purpose of weddings

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### DRIVERS' LICENCES

The Council issues licences that enable the driving of both hackney carriages and private hire vehicles. This is referred to as a "combined licence".

Licences will be issued for a standard duration of 3 years. A licence for less than 3 years will only be issued when a licence holder has requested it and it is appropriate in the specific circumstances of the case, or where necessary

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<sup>1</sup> [Taxi and Private Hire vehicle statistics England: 2022](#)

<sup>2</sup> [Taxi and Private Hire vehicle statistics England: 2022](#)

for some other reason (for example, when the licence holders leave to remain in the UK is time limited), or when the licence is required to meet short term demand. Licences will not be issued on a probationary basis.

All applicants for a combined driver's licence will be subject to a number of checks and examinations as described in **Appendix 3**.

The Council must be satisfied that an applicant is a fit and proper person to hold a licence. **Appendix 2** sets out the factors that the Council may consider when making this determination.

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## HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE

The application process for hackney carriage and private hire vehicles is set out in **Appendix 5**.

A licence for a vehicle may only be applied for by the registered keeper of the vehicle.

A vehicle must comply with the relevant specification. Full details of vehicle specifications are set out at **Appendix 6**.

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## EXECUTIVE HIRE VEHICLES

S.75(3) of the Local Government (Miscellaneous Provisions) Act 1976 gives the Council the discretion to grant a licence holder an exemption from displaying the licence plate on their private hire vehicle.

Executive hire vehicles are high value, prestige vehicles that are used for purposes such as corporate bookings to transport senior employees and clients on business related journeys in luxury, and for bookings where customers have asked for a vehicle without obvious private hire plates or signage.

Each application for an executive hire vehicle will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licenced vehicle is considered a safety aspect, particularly when visiting such places as airports, seaports and the centre of large towns.

Exemptions will not be granted as a matter of course. A clear case for the exemption will have to be made by the applicant to the Council.

In determining an application, it will normally be the nature of the work that will indicate whether or not the exemption should be granted, as well as the specification of the vehicle being used.

If the applicant for an executive hire vehicle has ever been cautioned or convicted of plying for hire, the Council may refuse to allow the applicant to have a vehicle licensed for executive hire.

The Council closely monitors the use of executive hire vehicles, and such vehicles are not to be used as standard private hire vehicles.

The specifications for an executive hire vehicle licence are included at **Appendix 6** and the conditions at **Appendix 7**.

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## PRIVATE HIRE OPERATORS

The term "operate" is defined in s.80 of the Local Government (Miscellaneous Provisions) Act 1976 as meaning "in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle".

Operators play a key role in ensuring that the public are kept safe; that drivers are suitably trained, experienced and supported to deliver a high-quality service; and that vehicles are kept in a clean and safe condition at all times.

Whilst it is accepted that operators will have less direct contact with the public than drivers, to ensure the safety of the public the Council must apply similar checks when considering applications for operators' licences and be



satisfied that they are fit and proper persons. Full details of these requirements are included in **Appendix 2**. **Appendix 10** sets out the conditions a private hire operator is expected to comply with as part of their licence.

## 6. DISABLED PASSENGERS

Drivers and operators of hackney carriage and private hire vehicles have a duty to assist disabled passengers in accordance with Part 12 of the Equality Act 2010. Failure to comply with this duty is a criminal offence and could result in prosecution and/or revocation of their licence.

Under the Act, drivers must:

- Carry any disabled passenger
- Provide disabled passengers with reasonable mobility assistance and carry their mobility aids or wheelchair
- Help disabled passengers to find and identify their vehicle
- Carry a disabled passenger's assistance dog and allow the dog to remain with them
- Not make or propose any additional charge for complying with this duty

If the vehicle is included on our list of designated wheelchair-accessible vehicles, the driver must also:

- Carry a disabled passenger in their wheelchair, or transport the wheelchair if the passenger chooses to sit in the vehicle
- Not make or propose any additional charge for complying with this duty

Operators must:

- Accept bookings for or on behalf of any disabled person, including those accompanied by an assistance dog
- Accept bookings for or on behalf of any disabled person in a wheelchair unless no wheelchair-accessible vehicle is available
- Not make or propose any additional charge for complying with this duty

Drivers can apply to the Council for an exemption certificate if they have a medical condition that means that they are unable to carry assistance dogs or provide mobility assistance. If granted, this exemption certificate must be displayed in the vehicle.

## 7. FARES

### HACKNEY CARRIAGES

The Hackney Carriage Table of Fares ("the tariff") is set by the Council and states the maximum fare that can be charged by hackney carriage drivers for journeys within the district.

The hirer may agree to the fare for a journey which ends outside the district being charged other than at the metered rate.

It is an offence for any person to charge more than a metered fare.

Both private hire operators and hackney carriage drivers may agree the cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted must be the price charged and there is to be no deviation from this price without the agreement of the customer. The price must not exceed that shown on the meter for hackney carriage vehicles. Where a price has not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

The Council may review the hackney carriage tariff from time to time. A notice of any variation to the maximum fare shall be advertised by the Council. A copy of the tariff will be provided to each hackney carriage licence holder, which must then be clearly displayed in each vehicle so that it is visible to passengers.

Drivers must, if requested by the passenger, provide written or electronic receipts that include details of the journey and the drivers name and badge number.

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## PRIVATE HIRE VEHICLES

The Council does not regulate fares for private hire vehicles. Drivers of private hire vehicles are not permitted to set fares and all journeys must be calculated on the taximeter if one is fitted, or by way of agreement with the private hire operator at the time the journey is booked in person, by telephone, online, or via an app.

Drivers must, if requested by the passenger, provide written or electronic receipts that include details of the journey and the drivers name and badge number.

## 8. FEES & CHARGES

The Council reserves the right to review its fees and charges at any time. If fees for vehicle or operator licences are varied, a notice of the variation will be published by the Council. All relevant objections will be considered before a determination is made. The current fees are available on the [Council's website](#), within the application packs, and upon request.

## 9. RENEWALS

Applications to renew a licence must be received before the licence expires. It is recommended that renewal applications are submitted at least ten working days before expiry to avoid a period of being unable to work until a new licence is issued.

If a renewal application is received after the licence has expired, the application will be refused, and the applicant will have to apply as a new applicant.

## 10. CHANGE OF CIRCUMSTANCES

If, during an application process, an applicant's circumstances change they must immediately update the Council. Such circumstances include:

- Any change in their immigration status
- An arrest, conviction, or caution
- Being notified that they are under criminal investigation
- Being made the subject of a court order (such as a domestic violence protection order, an anti-social behaviour injunction, a criminal behaviour order, a sexual harm prevention order, non-molestation order, restraining order, etc.)
- Change in their personal details (address etc.)

## 11. DETERMINATION OF APPLICATIONS

Licensing officers are authorised to determine all applications for licences.

Licensing officers may instead refer applications to the licensing sub-committee for determination. Such a referral may be necessary where a licensing officer has concerns as to whether someone is fit and proper to hold a licence.

Meetings of the licensing sub-committee are generally held in public.

If the Council refuses an application, the applicant can appeal the Council's decision to the magistrates' court.

## 12. ENFORCEMENT

The principal purpose of regulating the trade is to protect and promote public safety. The Council will undertake proactive and reactive compliance and enforcement activity in order to achieve that purpose.

Details of the enforcement policy are detailed in **Appendix 11**.

## 13. AUDIO AND VIDEO RECORDING IN LICENSED VEHICLES

The Council does not mandate the use of audio and video recording but recognises that there can be benefits to licence holders and to passengers.

Any devices used in licenced vehicles must comply with the requirements laid out in **Appendix 12**.

## 14. LICENCE CONDITIONS

All combined driver licences are granted subject to the conditions set out at **Appendix 4**.

All hackney carriage and private hire vehicle licences are granted subject to the conditions set out at **Appendix 7**.

All private hire operator licences are granted subject to the conditions set out at **Appendix 10**.

A failure to comply with conditions may result in a suspension or revocation of the licence.

## 15. RELATED POLICIES AND PROCEDURES

The council is committed to developing and delivering services in a way that ensures it treats people fairly and promotes equality of opportunity and social cohesion within the wider community.

This policy aims to give the fairest outcomes to everyone regardless of race, gender reassignment, age, disability, pregnancy and maternity, religion or belief, sex or sexual orientation, marital or civil partnerships status and/or disability.

This policy has been subject to an equality impact assessment to ensure that there is no discrimination in the way that it has been designed, developed or how it will be delivered and that, wherever possible, equality is promoted.

The service will be provided in accordance with all relevant Council policies in particular:

[Safeguarding policy](#)

[Equality statement](#)

[Data protection policy](#)

[Enforcement policy](#)

## APPENDIX 1 – LEGISLATION AND GUIDANCE

1.1 In undertaking its licensing functions, the Council will have regard to relevant primary legislation, including any secondary legislation made thereunder, including:

- Town Police Clauses Act 1847
- Town Police Clauses Act 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985
- Transport Act 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Act 1988

- Health Act 2006
- Deregulation Act 2015
- Human Rights Act 1998
- Immigration Act 2016
- Data Protection Act 2018
- Taxis and Private Hire Vehicles (Disabled Persons) Act 2022
- The Rehabilitation of Offenders Act 1974

1.2 The [Statutory Taxi and Private Hire Vehicle Standards](#) issued by the Department for Transport in November 2022 state that the trade is a high-risk environment and that common core minimum standards are required to regulate it. Therefore, the Council will have regard to these national standards and [Taxi and Private Hire Vehicle Licensing: Best Practice](#) issued by the Department for Transport in November 2023.

## APPENDIX 2 – FIT AND PROPER PERSON

- 2.1. When considering whether a person is fit and proper to hold a licence (which includes both new and renewal applicants, and existing licence holders), the Council shall take into account the [Institute of Licensing Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades](#) (November 2024, 'the Guidance'). The Guidance applies to all vehicle, driver and operator licence holders and applicants.
- 2.2. The tests that the Council will use to determine whether an individual is considered fit and proper to hold a licence are below:
  - 2.2.1. For drivers: *Would you allow your child, spouse or partner, parent, grandchild or any other person for whom you care, to get into a vehicle with this person alone at any time of day or night?*
  - 2.2.2. For private hire operators: *Would you allow a person for whom you care, regardless of their condition, to book a vehicle with this operator? Would you be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?*
  - 2.2.3. For vehicle licence holders: *Would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?*
- 2.3. Any decision made by the Council will be on the balance of probabilities and will not be required to meet the beyond a reasonable doubt standard of proof.

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### FACTORS TAKEN IN CONSIDERATION

- 2.4. In assessing whether an individual is fit and proper the Council will consider the following factors, and take any other relevant information into account:
  - Criminality – including convictions, cautions, warnings, reprimands and fixed penalty notices
  - Driving history including the length of time holding a driving licence and any penalty points on the driving licence
  - Whether the applicant has acted with openness and integrity during the application process
  - Licensing history in relation to any other licences the person has held
  - Complaints made against them to the Council, any other council, or the police.
- 2.5. The Council may, where appropriate, seek information from other agencies including the police, other councils, and other law enforcement agencies.

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### CRIMINAL RECORD

- 2.6. The provisions of the Rehabilitation of Offenders Act 1974 do not apply to hackney carriage and private hire drivers. As such an enhanced Disclosure and Barring Service (DBS) check will reveal all conviction and caution data regardless of whether or not it is spent. Filtered convictions and cautions will not be disclosed. The Council may have regard to spent convictions in determining whether an applicant is a fit and proper person.
- 2.7. Where an applicant has more than one conviction, it is unlikely they will be considered a fit and proper person.
- 2.8. The Council will ensure that each application is considered on its individual merits.

- 2.9. In this policy the word “conviction” includes convictions and cautions.
- 2.10. In this policy “date sentence has ended” is taken to be the date at which the whole of the period as sentenced by the court has elapsed (and not necessarily the length of time served by the applicant). For example, if a sentence is five years imprisonment but the applicant was released after 3 years, the date that the sentence ends will be five years from the date of sentencing. If the sentence is amended by a court at a later date, then this new sentence becomes relevant for the purposes of this policy. The term “since completion of sentence” is to be construed in a similar way to “date sentence has ended”.
- 2.11. The table below sets out, for various types of offences, how long will need to elapse from the conviction before the person may be considered a fit and proper person:

Type of Offence	Period required before the Council will consider an application
Offence resulting in death of a person	Unlikely to ever be considered a fit and proper person
Exploitation (including, but not limited to, slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse)	Unlikely to ever be considered a fit and proper person
Sexual and indecency offences (including sexual harassment)	Unlikely to ever be considered a fit and proper person A licence will never be granted to anyone who is currently on the sex offenders register or appears on any barred lists
Violence (includes situations where the victim is put in fear, alarm or distress without physical contact)	At least 10 years from the completion of any sentence imposed A licence is unlikely to ever be granted where the offence of violence was committed against a child or vulnerable adult
Public order (not in itself an act of violence)	At least 5 years from the completion of any sentence imposed
Possession of a weapon	At least 7 years from the completion of any sentence imposed
Dishonesty	At least 7 years from the completion of any sentence imposed
Alcohol (offences related to drunkenness not in a motor vehicle)	At least 5 years from the completion of the sentence imposed If the applicant has a history of alcohol misuse or dependence they will be subject to additional medical testing before the application is considered. If the applicant is found to be dependent on alcohol a licence will not be granted unless at least 5 years have elapsed since the dependency ceased
Drugs (supply offences – including possession with intent to supply)	At least 10 years from the completion of any sentence imposed
Drugs (possession only offences)	At least 5 years from the completion of any sentence imposed If the applicant has a history of drug misuse or dependence they will be subject to additional medical testing before the application is considered. If the applicant is found to be dependent on drugs a licence will not be granted unless at least 5 years have elapsed since the dependency ceased

Discrimination (including non-compliance with the Equality Act 2010)	At least 7 years from the completion of any sentence imposed
Offences involving regulatory non-compliance (including offences relating to licensing and other matters such as failing to surrender to bail and any matter where regulations or requirements were ignored or broken)	Unlikely to ever be considered a fit and proper person
Drink/drug driving (including failure/refusal to provide a sample)	At least 7 years from the completion of any sentence imposed
Driving whilst using hand-held device/telephone offences	At least 5 years from the completion of any sentence imposed
A traffic or vehicle related offence not resulting in injury to a person or damage to any property resulting in 7 or more penalty point on their driver's licence	At least 1 year from the completion of any sentence imposed with no further convictions Applicants will also be required to complete additional driver assessment training
A traffic or vehicle related offence not resulting in injury to a person or damage to any property resulting in 12 or more penalty point on their driver's licence but not disqualified	At least 5 years from the accumulation of 12 or more points
A traffic or vehicle related offence not resulting in injury to a person or damage to any property resulting in 12 or more penalty point on their driver's licence and disqualified through 'totting up'	At least 5 years from the period of disqualification
Serious motoring offence (e.g. dangerous or careless driving and insurance offences) or a motoring offence which has resulted in injury (but not death) to any person or damage to property	At least 7 years from the completion of any sentence imposed
Taxi and private hire offences	At least 7 years from the completion of any sentence imposed

- 2.12. If the Council is notified of an outstanding charge or summons suggesting that the applicant may not pass the fit and proper person test, the Council will not process the application until proceedings have been concluded.
- 2.13. Where an applicant has had a hackney carriage or private hire drivers licence revoked by another council, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation.
- 2.14. Should the Council receive information which suggests an existing licence holder is no longer a fit and proper person consideration will be given to suspending, refusing renewal, or revoking the driver's licence.
- 2.15. In making any determination, safety of the public will be the paramount consideration for the Council.

## APPENDIX 3 – DRIVER APPLICATION PROCESS, CHECKS AND EXAMINATIONS

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### RIGHT TO WORK IN THE UK

- 3.1 All driver licence applicants must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. The Council will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of right to work.
- 3.2 If an applicant is unable to provide satisfactory proof of their right to work in the UK, then their application will be refused. Should a driver's right to remain in the UK lapse, the licence automatically lapses with no right of appeal.
- 3.3 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work (up to a maximum of 3 years).

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### DBS REQUIREMENTS AND DECLARATION

- 3.4 A new licence will not be issued without an enhanced DBS disclosure certificate (with searches of both the adult and children's barred lists).
- 3.5 All applicants must register for the DBS update service and maintain their annual subscription. Failure to maintain the subscription during the life of the licence may lead to the licence being suspended until such time as a new disclosure certificate is provided.
- 3.6 The applicant must obtain their DBS disclosure through a service provider agreed by the Council.

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### CERTIFICATE OF GOOD CHARACTER

- 3.7 All applicants and existing licence holders who have lived in another country for a continuous period of three or more months within the preceding five years from the date of their licence application are required to submit a certificate of good character from the government or police of each country. This document will either confirm good character or list any convictions recorded against an applicant.
- 3.8 Where this certificate has been produced in a language other than English, the applicant will usually be required to produce a translation of the certificate from the embassy or consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.
- 3.9 The cost of certificates of good character are to be met by the applicant in full.

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### MEDICAL STANDARDS

- 3.10 The Council recognises that hackney carriage or private hire drivers, as professional drivers, should meet a higher standard of medical fitness than those applicable to other car drivers. This is because they carry members of the public, they are often driving for longer hours than other car drivers, and they are required to assist disabled passengers and handle luggage. The Council requires hackney carriage and private hire drivers to meet DVLA Group 2 medical standards, which are the same standards the DVLA requires bus and lorry drivers to achieve.
- 3.11 The Council requires applicants and current licence holders to undergo a DVLA Group 2 medical assessment with a General Medical Council (GMC) registered medical practitioner (a doctor) at a frequency specified by the Council and published on their website.
- 3.12 The applicant will be responsible for arranging, attending and paying for the medical assessment, as well as providing a copy of the medical certificate to the Council.
- 3.13 Where there remains any doubt about the fitness of an applicant, the Council may refer back to the doctor for further information. The application will then be determined on the medical evidence available.
- 3.14 No licence shall be issued until medical fitness has been established.



- 3.15 Licence holders must advise the Council of any deterioration or other change in their health that may affect their ability as soon as is practicably possible. Failure to do so may result in suspension, revocation and/or another course of action deemed appropriate by the Council.
- 3.16 If the applicant is not required to undertake a DVLA Group 2 medical assessment on renewal, they will instead be to submit a medical declaration with their application. The Council reserves the right to request a DVLA Group 2 medical assessment where it is deemed appropriate. The applicant will be required to pay for this.
- 3.17 The Council may request a driver to undergo a DVLA Group 2 medical assessment and produce a medical certificate at any point during the period of the licence. The driver will be required to pay for this. Failure to do so may result in suspension, revocation and/or another course of action deemed appropriate by the Council.

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#### MEDICAL EXEMPTION

- 3.18 Licensed drivers are under a legal duty under the Equality Act 2010 to carry assistance dogs in their vehicle without additional charge, unless exempt. They must also allow the dog to remain with the passenger.
- 3.19 The driver is required to provide written medical evidence from their GP or consultant in order for the Council to consider granting an exemption certificate.

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#### HMRC TAX CHECK

- 3.20 Applicants will need to confirm that they have completed a tax check and the 9-character tax check code must be provided as part of the application process for new and renewal applications.
- 3.21 HMRC has powers to obtain information from the Council in relation to licence applications.

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#### NATIONAL REGISTER OF TAXI LICENSE REVOCATIONS AND REFUSALS

- 3.22 All applicants will be subject to a search against the register to identify any refusals, revocations, suspensions or other relevant information.
- 3.23 The Council will add data to the register as appropriate, this includes a record of the reasons for any refusal, suspension or revocation.
- 3.24 The register is managed by the National Anti Fraud Network.

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#### DRIVER ASSESSMENT

- 3.25 All new applicants must take a driver assessment test, carried out by the Council's approved provider.
- 3.26 Details of how to book and pay for the test are published on the Council's website.
- 3.27 Existing drivers may also be required to pass a practical driving assessment if there are concerns about their standard of driving, and the licence may be suspended until the assessment is passed.

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#### DVLA CHECK

- 3.28 All applicants must submit a DVLA driving licence check code so that confirmation of the status of their driving licence can be obtained.
- 3.29 The Council will undertake regular checks on the driving licences of hackney carriage and private hire drivers to identify undisclosed offences. Any offences revealed will be dealt with in accordance with the Council's policy set out in **Appendix 2**.

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#### SAFEGUARDING TRAINING

- 3.30 All applicants must attend a safeguarding training course delivered by the Council's approved provider.

Details of how to book and pay for the training are published on the Council's website.

- 3.31 The safeguarding training must be taken every three years and prior to the renewal of the licence. Failure to attend will lead to a delay in the licence being renewed.

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#### DISABILITY AWARENESS TRAINING

- 3.32 All applicants must attend disability awareness training delivered by the Council's approved provider. Details of how to book and pay for the training are published on the Council's website.
- 3.33 The disability awareness training must be retaken if there is a change in legislation or concerns about the drivers' understanding of the requirements.

## APPENDIX 4 – DRIVER’S LICENCE CONDITIONS

- 4.1 Combined hackney carriage & private hire driver licences are issued subject to the following conditions. Drivers are required to be familiar with all parts of this policy and comply with it and the conditions. Any driver who contravenes these conditions may be deemed not fit and proper to hold a licence.
- 4.2 In addition to compliance with the conditions set out in this policy, the driver must comply with all reasonable instructions and requests for information from a licensing officer, constable, or police community support officer.

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### BEHAVIOUR AND CONDUCT

- 4.3 The driver shall always behave in a professional and courteous manner when carrying out their duties, and not act in a manner to a passenger, member of the public or other licence holder that may cause unease, offence or give reason for any person to doubt their integrity.
- 4.4 Drivers shall not initiate or engage in any dialogue of a sexual nature with a passenger, including by telephone, social media, email or any other form of communication. Drivers shall not have consensual sexual contact with a passenger whilst working or in a licensed vehicle.
- 4.5 The driver shall not carry any other person in the vehicle without the permission of the hirer.
- 4.6 The driver shall, if asked by the passenger, indicate the route they are going to take, subject to any directions given by the hirer.
- 4.7 The driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless there is reasonable excuse not to or the driver is otherwise directed by the hirer.
- 4.8 The driver shall not sound the vehicle horn when arriving at an address to pick up passengers.
- 4.9 The driver shall be punctual and on time for bookings unless they have reasonable excuse for being delayed.
- 4.10 The driver shall not play any amplified sound inside the vehicle, such as radio or music, except for the purpose of sending or receiving messages in connection with the operation of the vehicle, without the express consent of the hirer.
- 4.11 The driver shall not eat in the vehicle whilst a passenger is in the vehicle.
- 4.12 The driver shall not obstruct any licensing officer, constable, or police community support officer in the execution of their duties, or fail to follow any reasonable direction or request for assistance or information from any such a person without reasonable excuse.

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### DRESS CODE

- 4.13 Drivers shall dress appropriately for their role in a manner that will not cause offence. Clothing shall not include words or images that could cause offence or are suggestive in nature. Footwear shall be enclosed and appropriate for driving.

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### DRIVER’S BADGE AND LICENCE

- 4.14 The driver shall wear the driver identification badge issued by the Council in a position that is clearly visible to passengers and show it to a passenger if requested.
- 4.15 The driver must display their driver windscreen badge issued by the Council in accordance with the relevant guidance on the Council’s website.
- 4.16 The driver shall not at any time give their badge or licence to any other person, except for the copy of the licence that is required by these conditions to be given to their private hire operator.

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## LICENCE PLATE

- 4.17 The driver shall not drive a licensed vehicle without the licence plate being securely fixed to the vehicle in a position as directed by the Council, except for those private hire vehicles that have been granted an exemption.
- 4.18 The driver shall ensure that before the vehicle is used, that paper or digital copies of the insurance certificate and vehicle licence are available within the vehicle.

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## ACCESSIBILITY AND ASSISTANCE

- 4.19 The driver shall convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in moving luggage to and from the entrance of any premises where they collect or set down a passenger.
- 4.20 Drivers with a medical exemption shall display the certificate in accordance with the guidance issued with the certificate.

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## VULNERABLE PASSENGERS

- 4.21 If transporting an unaccompanied person aged under 18, a vulnerable adult, or if a passenger requests it, the driver shall wait until the passenger is safely inside the building.

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## REPORTING TO THE COUNCIL

- 4.22 Loss of badge

The driver shall report the loss of a licence or badge to the Council as soon as such loss becomes known to them and make the required payment to the Council for the issue of a replacement.

- 4.23 Convictions, cautions, warnings etc

All licence holders shall report all new convictions, cautions, warnings, reprimands, criminal behaviour orders, community protection notices, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and disqualifications from driving to the Council within 24 hours of it becoming known to them.

All licence holders shall inform the Council in writing or by email within 24 hours of being arrested, interviewed under caution, or charged with an offence by the police or any council.

- 4.24 Change of details

The driver shall notify the Council in writing or by email within 5 working days of any change in their details that have occurred since their most recent application (e.g. changes to home address, telephone number, etc), and pay the appropriate fee for their record to be amended accordingly.

- 4.25 Change in medical fitness

The driver shall notify the Council in writing or by email as soon as possible, and in any event within 2 working days, of any illness or injury affecting their fitness to act as a driver. If requested by the Council, the driver shall undergo a medical assessment to ensure the illness or injury does not give rise to concerns for public safety.

- 4.26 Holiday and absence

The driver shall notify the Council in advance, in writing or by email, if they are to be away from the address shown on their licence for a period of more than 28 days.

- 4.27 Accident reporting

If the vehicle is involved in a road traffic accident, the driver or vehicle licence holder shall inform the Council in writing or by email within 72 hours and provide full details of the circumstances.

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#### LOST PROPERTY

- 4.28 The driver and operator shall make every attempt to return any property left in the vehicle to the owner. If contact with the passenger has not been made after 5 days, or no contact details are held for the passenger, the driver shall report the matter to the Council in writing or by email.
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#### SMOKING AND VAPING

- 4.29 The driver shall not at any time smoke or vape in the vehicle or permit any passenger to smoke or vape in the vehicle.
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#### FARES

- 4.30 The driver shall not demand from the hirer a fare in excess of any fare previously agreed between the operator and the hirer, or if the vehicle is fitted with a taximeter and no previous agreement has been made as to the fare, the fare shown on the taximeter.
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#### DBS UPDATE SERVICE

- 4.31 Drivers must maintain their subscription to the DBS update service for the duration of their licence.
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#### SPECIFIC CONDITIONS WHEN DRIVING A PRIVATE HIRE VEHICLE

- 4.32 The driver shall not, whilst driving or in charge of a private hire vehicle, offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the private hire operator to the driver by telephone, radio, app, or other such device fitted to the vehicle.
- 4.33 The driver shall not, whilst driving or in charge of a private hire vehicle, park in a “prominent position” (e.g. where people are likely to congregate, or near the exits to train stations, or locations with a high footfall, or within sight of a taxi rank), and be in attendance of the vehicle without a booking having been made for them to be at such a location.
- 4.34 The driver shall not whilst driving or in charge of a private hire vehicle, contact the private hire operator to request a booking be made on behalf of any person.
- 4.35 If the private hire vehicle is equipped with a taximeter, the driver shall ensure that the table of fares is displayed in a clearly visible position in the vehicle and provide an explanation of the table of fares if requested by any passenger.
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#### SPECIFIC CONDITIONS WHEN DRIVING A HACKNEY CARRIAGE VEHICLE

- 4.36 The driver of a hackney carriage vehicle shall ensure that during any hiring the face of the taximeter is at all times visible to the passengers.
- 4.37 The driver of a hackney carriage vehicle equipped with a taximeter shall set the meter into operation when the hirer starts the journey.

## APPENDIX 5 – VEHICLE LICENCE APPLICATION PROCESS AND INSPECTIONS

- 5.1 All vehicles shall be in a fit and appropriate condition to be used as a hackney carriage or private hire vehicle and comply with the Council's vehicle specification.
- 5.2 Hackney carriage vehicles shall be white and have no more than eight passenger seats. The vehicle V5C log book must state the vehicle is white.
- 5.3 Private hire vehicles shall be any colour apart from white and have no more than eight passenger seats.
- 5.4 As part of the application process, vehicles shall have a compliance inspection undertaken by a garage appointed by the Council. The compliance certificate shall be submitted with the licence application. The compliance inspection shall not be more than 28 days old when the licence application is submitted.
- 5.5 A compliance inspection shall be completed every 12 months up to when the vehicle is 5 years old, and every 6 months thereafter.
- 5.6 Regardless of the age of the vehicle, if the compliance inspection identifies a significant number of advisory items or minor defects a more frequent inspection may be required by the Council.
- 5.7 If a vehicle licence is suspended following a compliance inspection, a further inspection will be required before the suspension is lifted.
- 5.8 Applicants must provide an insurance certificate confirming that the vehicle is insured to be used as a hackney carriage or private hire vehicle and the V5C log book.
- 5.9 If the applicant does not hold a driver licence with the Council, they must submit a basic DBS certificate with their application.

## APPENDIX 6 – SPECIFICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

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### COLOUR

- 6.1 Private hire vehicles shall not be white or a colour that appears similar to white. The vehicle must be a single uniform colour.
- 6.2 Hackney carriage vehicles shall be white. The vehicle must be a single uniform colour.

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### TINTED WINDOWS

- 6.3 Window glass shall not be tinted in excess of the manufacturer's specification and no tint film shall be fitted to any window.

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### AGE OF VEHICLE

- 6.4 All new petrol or diesel vehicles must be less than 8 years from the date of first registration, at the time of initial licensing.
- 6.5 All new hybrid, electric vehicles must be less than 10 years from the date of first registration, at the time of initial licensing.
- 6.6 All new wheelchair accessible vehicles must be less than 10 years from the date of registration, at the time of initial licensing.
- 6.7 All new executive hire vehicles must be less than 6 years from the date of registration, at the time of initial licensing.
- 6.8 Existing licensed petrol or diesel vehicles must be less than 10 years from the date of registration, at the time of renewal.
- 6.9 Existing hybrid, electric vehicles that pass a compliance inspection can continue to be licensed in perpetuity.
- 6.10 Existing wheelchair accessible vehicles must be less than 12 years from the date of registration, at the time of renewal.
- 6.11 Existing executive hire vehicles must be less than 8 years from the date of registration, at the time of renewal.

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### MOT AND COMPLIANCE INSPECTIONS

- 6.12 All vehicles shall undergo an MOT in accordance with DVSA requirements.
- 6.13 All vehicles shall undergo a compliance inspection at first licence and renewal up to when the vehicle is 5 years old, and every 6 months thereafter.

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### INSURANCE

- 6.14 All new and existing vehicles shall be covered by an insurance certificate confirming that it is insured for each driver of the vehicle and permitting use as a hackney carriage or private hire vehicle.
- 6.15 The Council will undertake periodic audits of licensed vehicles to ensure that the vehicle is insured.

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### INTERIOR SPECIFICATIONS

- 6.16 Vehicles shall be well maintained and be clean and smart both externally and internally.
- 6.17 Vehicles shall be capable of carrying between 4 and 8 passengers in comfort. However, for executive hire vehicles consideration will be given to issuing a licence for fewer than 4 passengers. Additional conditions may be added to any licence to assist with passenger safety when entering and alighting from the vehicle.

- 6.18 The minimum seat width for passengers shall be 400 mm. Seating must be comfortable and provide the average passenger with adequate head and leg room.
- 6.19 Vehicles with sideways mounted seats will not be granted a licence.
- 6.20 Vehicles where the rear seats can only be accessed by the front doors will not be granted a licence.
- 6.21 Vehicles with more than 2 rows of seats will require an inspection by a licensing officer to be satisfied that there are adequate means of escape.
- 6.22 There shall be at least one window on each side capable of being open.
- 6.23 All vehicles shall be right hand drive and have a fixed roof which is watertight.
- 6.24 All vehicles shall have four wheels.

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#### EQUIPMENT

- 6.25 A spare wheel or manufacturer supplied space saver spare wheel shall be carried. Emergency tyre inflation kits are not acceptable unless supplied by the vehicle manufacturer when first registered.
- 6.26 A space saver spare wheel shall only be used in an emergency, and only in accordance with the manufacturer's instructions. Should the use of a space saver spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.
- 6.27 Jacking equipment and a wheel brace, as provided by the manufacturer or equivalent, shall be carried. Trolley jacks are not acceptable.

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#### VEHICLE EMISSIONS

- 6.28 All vehicles must comply with the vehicle emissions and carbon neutrality policy as detailed in **Appendix 13**.

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#### ADVERTISEMENTS

- 6.29 No advertisements shall be placed on any licensed vehicle other than operator's door signs where applicable and where they are in line with condition 9.16 in appendix 9.

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#### LUGGAGE

- 6.30 The vehicle shall have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the number of passengers.
- 6.31 For any estate or people carrier a protection grille or shelf shall be fitted to the vehicle that is sufficient to prevent luggage from coming into contact with passengers in the event of sudden braking.

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#### CATEGORISATION

- 6.32 Vehicles shall have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time, other than category 'N'.

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#### WHEELCHAIR ACCESSIBLE VEHICLES

- 6.33 In addition to all other licensing conditions, applicants seeking the grant of a vehicle licence to carry passengers who are seated in a wheelchair must present a vehicle which has:
- M1 classification and comply in all respects with applicable current legislation.
  - Proper fittings for the securing of the wheelchair and any passengers seated in them.
  - Access and egress via side doors.
  - A purpose designed tail lift, manufactured and installed in accordance with applicable current legislation.



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## TAXIMETERS

- 6.34 All hackney carriages shall be fitted with a taximeter which complies with the following requirements:
- The taximeter is fitted with a key or other device, so that the taximeter can be switched on and the word "hired" will appear on the taximeter and the roof light extinguish.
  - Such key or device shall be capable of being locked so that the taximeter can be switched off and no fare recorded.
  - When the taximeter is in operation, the fare shall be recorded in figures that are clearly legible and free from ambiguity.
  - The taximeter shall be positioned so that all letters and figures on its face can be seen by passengers in the vehicle and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring.

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## EXECUTIVE HIRE VEHICLES

- 6.35 Executive hire vehicles must meet the standard specification above in addition to the specific requirements listed below. Each application for an executive hire vehicle will be considered on its own merits. The overriding consideration will be public safety.
- As a minimum, executive hire vehicles shall be a luxury or prestige vehicle maintained to a showroom standard.
  - Potential applicants are advised to contact the Council to discuss whether a vehicle will meet the criteria for an executive hire vehicle.

## APPENDIX 7 - PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

- 7.1 Private hire vehicle and hackney carriage licences are issued subject to the following conditions. Licence holders are required to be familiar with all parts of this policy and comply with it and the conditions. Any licence holder who contravenes these conditions may be deemed not fit and proper to hold a licence.

### CONDITIONS FOR ALL VEHICLES

#### VEHICLE USE

- 7.2 The licence holder shall not cause or allow a vehicle to be used unless the driver of the vehicle holds a combined hackney carriage & private hire driver licence issued by the Council and they are insured to drive the vehicle.
- 7.3 A driver shall not at any time lend or give their badge or licence to any other person, except for the copy of the licence that is required by these conditions to be given to a private hire operator.

#### VEHICLE SIGNAGE AND MARKINGS

- 7.4 The rear licence plate shall be fixed to the exterior rear of the vehicle, in such a position as to be clearly visible and without obstructing the number plate. The plate should be attached using a purpose made bracket, or other appropriate fixing in order to render it impossible to remove without the use of tools.
- 7.5 The rear licence plate shall remain the property of the Council and shall be returned within 7 days should the licence expire, be refused, suspended, or revoked.
- 7.6 The loss of any plate or licence shall be reported to the police and the Council as soon as such loss becomes known. The Council shall also be advised of the crime number issued by the police.
- 7.7 All vehicles that are wheelchair accessible shall display a sign provided by the Council in the position specified on the Council's website.
- 7.8 All vehicles shall display signs on the interior of both rear passenger windows. These signs will be provided by the Council and must be displayed in accordance with the relevant guidance available on the Council's website.
- 7.9 All vehicles shall display a sign on the front windscreen. This sign will be provided by the Council and must be displayed in accordance with the relevant guidance on the Council's website.

#### VEHICLE CONDITION

- 7.10 The vehicle licence holder shall ensure that vehicles are always maintained in a good mechanical and structural condition to the standards required by the Council's compliance inspection.
- 7.11 The vehicle licence holder shall present the vehicle for inspection and testing at any time and place within the district when requested to do so by a licensing officer.

#### INSURANCE AND OTHER DOCUMENTATION

- 7.12 The holder of the vehicle licence shall ensure that either paper or digital copies of the following documents are available in the vehicle at all times whilst it carries out licensable duties, and that all drivers know where the documents are located, should they be asked to produce them:
- Certificate of insurance
  - Vehicle licence
- 7.13 The vehicle licence holder shall produce the following original documents at the request of a licensing officer, either immediately or within five working days:

- Vehicle V5C log book
- Certificate of insurance
- Vehicle licence
- MOT certificate

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## REPORTING TO THE COUNCIL

- 7.14 The holder of the vehicle licence or the driver shall report any accident to the Council within 72 hours. A licensing officer will assess the vehicle and, if required, will direct that the licence holder to take it to a nominated testing station for them to assess if the vehicle is roadworthy. Should the vehicle be roadworthy, but requiring repair, these repairs should be done within 28 days. Should the vehicle not be roadworthy the vehicle licence will be suspended until such a time that the testing station deem the vehicle to be roadworthy.
- 7.15 If the licence holder wishes to surrender the licence at any time, they shall do so in writing or by email and return the vehicle licence and licence plate to the Council within 7 days.
- 7.16 Should the licensed vehicle be sold to another licensed driver, the vehicle licence will be required to be transferred. A transfer application together with certificate of insurance and vehicle V5C log book will be required to be submitted within 7 days of the sale.
- 7.17 The vehicle licence holder shall maintain a list of names and addresses of all drivers of the vehicle and maintain a record of which driver had use of the vehicle at all times and produce this record to the Council on request.
- 7.18 If the vehicle becomes licensed as a private hire or hackney carriage vehicle with another Council during the period of the licence, the Council shall be notified so that the licence can be revoked.
- 7.19 Licence holders must notify the Council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.

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## ANIMALS

- 7.20 Animals belonging to the vehicle licence holder and/or the driver shall not be allowed to ride in the vehicle when the vehicle is working. Any animal of the hirer is to be conveyed in the rear of the vehicle with the exception of assistance dogs which may remain with the hirer at all times (even if they are in the front) and shall be carried without charge.
- 7.21 Only items belonging to passengers may be carried in the luggage space of the vehicle, (e.g. no cleaning products, oils etc. belonging to the vehicle or driver may be carried).

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## SMOKEFREE

- 7.22 The driver of a licensed vehicle shall ensure that there is no smoking or vaping within the vehicle at any time. This applies to both drivers and passengers. The vehicle must display no smoking signs at all times.

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## RADIO

- 7.23 The licence holder shall ensure that any radio equipment fitted to the licensed vehicle is kept in a safe condition and maintained in proper working order at all times.

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## TAXIMETERS

- 7.24 The vehicle licence holder of a licensed hackney carriage or private hire vehicle in which a taximeter is installed shall not cause or permit the vehicle to be used unless the taximeter is so constructed, attached to the vehicle and maintained as to comply with the following requirements:
- The taximeter is fitted with a key or other device, so that the taximeter can be switched on and the word "hired" will appear on the taximeter and the roof light extinguish if it is a hackney carriage.

- Such key or device shall be capable of being locked so that the taximeter can be switched off and no fare recorded.
- When the taximeter is in operation, the fare shall be recorded in figures that are clearly legible and free from ambiguity.
- The taximeter shall be positioned so that all letters and figures on its face can be seen by passengers in the vehicle and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring.

#### CONDITIONS SPECIFIC TO PRIVATE HIRE VEHICLES

7.25 A private hire vehicle shall not display:

- Any sign or notice which includes the words 'TAXI', 'TAX' or 'CAB' whether in the singular or plural or as part of another word.
- Any sign or notice which includes the words 'FOR HIRE' or any other form of wording that may suggest that the vehicle is presently available to pick up any passengers wishing to hire it or would be so available if not already hired.

7.26 Private hire vehicles shall not stand for hire or be hired without pre-booking through a licensed operator, nor shall they ply for hire or stand on a taxi rank for any reason which includes the picking up or dropping off passengers.

#### CONDITIONS SPECIFIC TO HACKNEY CARRIAGES

7.27 A hackney carriage vehicle shall have an illuminated sign on the roof of the vehicle bearing the word "TAXI" on the front and on the rear unless a sign is manufactured into the bodywork of the vehicle.

7.28 All licensed hackney carriages that are wheelchair accessible vehicles, when operating from a taxi rank or plying for hire shall at all times be capable of carrying a passenger seated in a wheelchair, they shall carry all ramps and seat harnesses and comply with the approved seating layout where appropriate for that vehicle.

#### CONDITIONS SPECIFIC TO EXECUTIVE HIRE VEHICLES

7.29 The driver shall carry the driver identification badge issued by the Council and produce it on demand to a passenger, licensing officer, constable or police community support officer.

7.30 Executive hire vehicles shall display a sign on the front and rear windscreens. This sign will be provided by the Council and must be displayed in accordance with the relevant guidance on the Council's website.

## APPENDIX 8 – PRIVATE HIRE OPERATOR APPLICATION PROCESS

- 8.1 If a private hire operator licence applicant is applying as a partnership or company each individual shall answer the questions in the form and will be assessed individually to determine if they are a fit and proper person. This is necessary and particularly relevant to the questions relating to convictions, cautions, insolvency or disqualification, where the Council must be satisfied as to the fitness and propriety of each and every applicant.

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### RIGHT TO WORK IN THE UK

- 8.2 All operator licence applicants must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. The Council will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of right to work.
- 8.3 If an applicant is unable to provide satisfactory proof of their right to work in the UK then their application will be refused. Should an operator's right to remain in the UK lapse, the licence automatically lapses with no right of appeal.
- 8.4 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work (up to a maximum of 5 years).

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### DBS REQUIREMENTS AND DECLARATION

- 8.5 If the operator applicant does not already hold either a driver's or vehicle licence, they must submit a basic DBS certificate with their application.
- 8.6 All applicants must subscribe to the DBS update service and maintain their annual payments to the DBS. Failure to maintain the subscription during the life of the licence may lead to suspension of the licence until such time as a new DBS certificate is provided.
- 8.7 The applicant must obtain their DBS certificate through the service provider agreed by the Council.

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### PLANNING PERMISSION

- 8.8 Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc.) may require planning permission for that use, irrespective of how many vehicles are to be operated from that location.
- 8.9 It is advised that applicants seek advice from a planning officer prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.
- 8.10 Evidence of planning permission or confirmation that planning permission is not required must be provided with the application.

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### INSURANCE

- 8.11 Applicants for a private hire operator's licence must supply:
- A copy of employer liability insurance if they intend to employ any staff
  - A copy of public liability insurance

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### HMRC TAX CHECK

- 8.12 Applicants will need to confirm that they have completed a tax check and the 9-character tax check code must be provided as part of the application process for new and renewal applications.
- 8.13 HMRC has powers to obtain information from the Council in relation to licence applications.

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## NATIONAL REGISTER OF TAXI LICENSE REVOCATIONS AND REFUSALS

- 8.14 All applicants will be subject to a search against the register to identify any refusals, revocations, suspensions or other relevant information.
- 8.15 The Council will add data to the register as appropriate, this includes a record of the reasons for any refusal, suspension or revocation.
- 8.16 The register is managed by the National Anti Fraud Network.

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## SAFEGUARDING TRAINING

- 8.17 All applicants must attend a safeguarding training course delivered by the Council's approved provider. Details of how to book and pay for the training are published on the Council's website.
- 8.18 The safeguarding training must be taken every three years and prior to the renewal of the licence. Failure to attend will lead to a delay in the licence being renewed.

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## DISABILITY AWARENESS TRAINING

- 8.19 All applicants must attend disability awareness training delivered by the Council's approved provider. Details of how to book and pay for the training are published on the Council's website.
- 8.20 The disability awareness training must be retaken if there is a change in legislation or concerns about the operators understanding of the requirements.

## APPENDIX 9 – SPECIFICATIONS FOR PRIVATE HIRE VEHICLE OPERATOR’S LICENCE

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### RADIO AND TELEPHONE SYSTEMS

- 9.1 The operator must ensure that any telephone facilities and dispatch equipment are maintained in an effective working order.
- 9.2 Where a licence holder maintains a radio network for use, the range and/or frequency used by the system may require a business radio licence from Ofcom.
- 9.3 Operators will be asked to confirm whether they have satisfied this requirement on making an application. For further details please visit the [Ofcom website](#).

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### BOOKING SYSTEM

- 9.4 The operator should aim to offer a range of booking options including telephone, online and/or through an app to ensure that people with limited access to certain forms of technology, or people with communication difficulties, can still request a private hire vehicle.

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### PREMISES

- 9.5 The Council will not grant an operator’s licence for an operator with an operating base outside of the district.
- 9.6 Applicants must ensure that the property they intend to operate from has the correct planning permission. It is advised that applicants seek advice from the local planning authority prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.
- 9.7 If the operator moves their base to another location within the district, a new application must be submitted. The new application will be subject to a pro-rata fee and consultation with the local planning authority, to ensure permission has been granted and the premises are suitable.
- 9.8 The operator must consider the location of their base and the nature of the operation, together with the number of vehicles that are likely to visit the premises. If this is a domestic premises, consideration should be given to vehicle movements and the times vehicles visit the premises should be limited so as to reduce nuisance to neighbours.
- 9.9 Applicants must note that both planning and licensing requirements must be satisfied before any operator starts operating the business.

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### TRADING NAME

- 9.10 Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the operator.
- 9.11 While trading names are a matter for an operator to determine, the Council will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used in connection with the provision of private hire services in the area.
- 9.12 In particular, applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:
  - An expletive, derogatory or offensive term
  - A term associated with inequality
  - A term with political implications
  - A registered trademark (unless the applicant can demonstrate a right to use that mark)

- The trading name of an existing private hire operator, either licensed by the Council, or trading in a neighbouring area
  - The trading name used by a Lichfield hackney carriage where the licence holder has previously notified the Council of the use of that name and the name has been used regularly since
  - A name which implies official recognition or endorsement by the Council or another regulatory body
  - A term in any language other than English which when translated would fall within any of the preceding categories.
- 9.13 Only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators.
- 9.14 If, however, the operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.
- 9.15 Should concerns arise about the suitability of a trading name, in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his application.

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#### ADVERTISING AND LIVERY

- 9.16 Vehicles which are operated by a private hire operator may display the operator's door signs. The door signs must be of a design and colour scheme approved by the Council. Door signs shall relate only to the operator and not to any other product or service.



## APPENDIX 10 – PRIVATE HIRE OPERATOR CONDITIONS

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### PREMISES

- 10.1 A licensed operator must only conduct the business from the booking office address specified on the licence.
- 10.2 The current Operator licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public.

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### RECORDS

- 10.3 Private hire operators must keep a record of all bookings invited or accepted in accordance with s.56 of the Local Government (Miscellaneous Provisions) Act 1976
- 10.4 The Council requires all operators to keep the records below, either electronically or in some other form approved by the Council. Records must be kept for 12 months.
- 10.5 The following must be recorded before the commencement of the journey:
  - The time and date of booking
  - The name and address of the hirer/passenger
  - Fare quoted
  - How the booking was made
  - The date and time of the journeys start
  - The point of pick up and the destination
  - Name and licence number of the driver
  - Vehicle used in booking, registration mark and plate number
  - Whether the journey was subcontracted
  - If booked by phone, the call handler associated with the booking
  - Additional requirements (including assistance dogs & wheelchairs)
- 10.6 The operator shall not operate any vehicle as a private hire vehicle unless:
  - a current vehicle licence issued by the Council is in force; and
  - the driver holds a current driver's licence issued by the Council
- 10.7 Operators must store the following details of their drivers:
  - Name
  - Date of birth
  - Driving licence details
  - Address
  - Contact details
  - Operators call sign
  - Driver private hire or hackney carriage licence number
- 10.8 Operators must store the following details of their vehicles:
  - Private hire or hackney carriage vehicle licence number
  - Make
  - Model
  - Vehicle registration mark
  - Wheelchair access provision
- 10.9 Operators must store records of all jobs that are subcontracted including contact details of the company the job was subcontracted to.

10.10 Journey, driver and vehicle records must be produced to a licensing officer, constable or police community support officer on request.

#### **Disabled passengers**

10.11 A private hire operator must not refuse to accept a booking from any disabled person, or a person calling on behalf of a disabled person. This includes a passenger who uses an assistance dog or is a wheelchair user, where a wheelchair accessible vehicle is available.

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#### **REPORTING TO THE COUNCIL**

10.12 Licence holders must report all new convictions, cautions, warnings, reprimands, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving to the Council within 24 hours.

10.13 Licence holders are required to inform the Council in writing within 24 hours if they are arrested, formally interviewed as a suspect, or charged with an offence by the police.

10.14 Licence holders must notify the Council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.

10.15 Operators must notify the Council if they intend to be absent or unavailable for a period of more than 7 days.

10.16 Where the operator is trading as a limited company or partnership, the operator must advise the Council within seven days of any change in directors or partners throughout the period of the licence.

10.17 The operator must inform the Council within 48 hours of any drivers which are removed from their operator's registers.

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#### **COMPLAINTS FROM MEMBERS OF THE PUBLIC**

10.18 The operator must ensure that details of how a customer may contact the operator in the event of a complaint are displayed on the operator's website, booking app or in the absence of online booking platform, at the booking office.

10.19 An operator is required to attempt to resolve any complaint from a member of the public, in the first instance. Any unresolved complaint must be reported to the Council within 48 hours.

10.20 Operators are required to report all complaints of a serious nature to the Council within 48 hours. Matters considered serious include:

- Sexual misconduct, sexual harassment or inappropriate sexual attention
- Racist behaviour
- Violence
- Dishonesty
- Discrimination
- Any other serious misconduct (including those that are motoring related such as dangerous driving or drink driving)

10.21 Operators must also report any repeated complaints about the same issue or driver regardless of whether they are serious in nature or not.

10.22 Reporting to the Council does not remove responsibility from the operator to conduct a proper investigation of the complaint.

10.23 The operator must keep a record of all complaints received either electronically or in some other form approved by the Council. This record must include as a minimum:

- Complainant's name and contact number or email

- Passenger name and contact number if different to the complainant
- Nature of the complaint
- Driver and vehicle details
- Date and time of the incident
- Journey details incident relates to
- Resolution or next steps

10.24 Records must be kept for 12 months.

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#### OPERATOR STAFF

- 10.25 Operators must ensure they comply with all relevant employment law. Where an employment tribunal or court of law rules on employment matters in respect of a driver working for an operator, this may be considered by the Council as part of the fit and proper person test.
- 10.26 Operators must ensure that all staff in a customer facing roles and people managing service delivery have received training in disability awareness and safeguarding.
- 10.27 Operators must keep a register of all staff involved in bookings and dispatching work and they must obtain basic DBS checks for all such staff prior to them commencing work for the operator and annually thereafter. Operators must consider the background and content of the DBS check of the proposed employee when determining if they are a fit and proper person.
- 10.28 Evidence of the most recent check must be retained while the staff member works for the operator and for a period of 6 months after they cease working for the operator, and this must be provided on request to the Council.
- 10.29 The staff member must be required as part of their contract to inform the operator of any cautions or convictions they receive whilst employed in that role.

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#### OPERATOR POLICIES

- 10.30 The operator must have in place the following policies:
- Safeguarding policy
  - Customer service and complaints policy

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#### NUMBER OF VEHICLES

- 10.31 The operator must not operate with more vehicles than the number stated on their operator licence.
- 10.32 Operators who wish to increase the number of vehicles before the expiry of their licence must apply to the Council to do so and pay any additional fee required. They must also notify the Council's planning team and obtain any necessary approval.

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#### HEALTH AND SAFETY

- 10.33 Private hire operators must carry out risk assessments and have in place effective management arrangements for these risks for the work activities. These should include work related road safety, provision and use of any protective equipment, and lone working.

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#### USE OF VEHICLES AND DRIVERS LICENSED BY ANOTHER COUNCIL

- 10.34 Bookings which are allocated to vehicles licensed by another Council must be maintained in a separate register of bookings.
- 10.35 If the booking is allocated or reallocated to a vehicle licensed by another Council the customer must be notified using words which clearly states the following:

*“The driver and vehicle allocated to this journey are not licensed by Lichfield District Council which means they are not able to deal with any complaints about the driver or vehicle. The driver and vehicle are licensed by X Council and you will instead need to direct any complaints to them.”*

10.36 This applies to bookings made by telephone, online or in person.

## APPENDIX 11 – COMPLIANCE AND ENFORCEMENT

- 11.1 The principal aim of this policy is to protect and promote public safety. To achieve this aim, it is essential that the Council has a robust procedure in place to ensure that only those demonstrating the expected behaviours and standards hold a licence, in accordance with the fit and proper person test.
- 11.2 Compliance and enforcement action will be undertaken by licensing officers and overseen by the licensing sub-committee.
- 11.3 Licensing officers have the power to take any of the following enforcement interventions:
- Issue a verbal warning
  - Issue a written warning
  - Suspend a licence
  - Revoke a licence

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### VERBAL WARNING

- 11.4 Informal action in the form of a verbal warning will be considered where the act or omission is not serious enough to warrant formal action and/or where in the individual's history indicates this approach will achieve compliance. This intervention will only be used where the consequences of non-compliance do not pose a significant risk to the safety of the public.

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### WRITTEN WARNING

- 11.5 A written warning shall remain on record for a period of time to be determined by the licensing officer, and licensing officers shall consider any previously issued written warnings when considering any new complaints or enforcement interventions relating to the same licence holder.

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### REVOCAION OR SUSPENSION OF A LICENCE

- 11.6 The Council may suspend or revoke a licence in accordance with:
- S.60(1) Local Government (Miscellaneous Provisions) Act 1976 for vehicle licences
  - S.61(1) Local Government (Miscellaneous Provisions) Act 1976 for driver licences
  - S.62(1) Local Government (Miscellaneous Provisions) Act 1976 for operator licences
- 11.7 Where there are concerns regarding a person's fitness and propriety the Council will generally revoke the licence in the interests of public safety. Should information subsequently come to light which alters the Council's view, a licence may be reissued with no financial penalty to the applicant.
- 11.8 In the event of a licence being revoked the licence holder may appeal the decision by writing to the local magistrates' court within 21 days of the revocation.
- 11.9 Staffordshire Police will be informed of any decision to refuse or revoke a licence on public safety grounds.
- 11.10 Licensing officers may suspend a licence for the contraventions listed below. The length of the suspension will be for no longer than the period specified below and, when determining the length, the licensing officer will take account of any relevant aggravating and mitigating factors.

## TABLE OF CONTRAVENTIONS

No.	Contravention	Contrary to	Maximum Suspension	Notes
1	Failure to wear badge that is visible to passengers	Appendix 4 Driver's badge and licence Condition 4.14	Up to 7 days suspension	If the badge is not being worn at night or it is not in the vehicle at all, this may be considered an aggravating factor.
2	Breach of dress code	Appendix 4 Driver's badge and licence Condition 4.13	Up to 7 days suspension	If safety is compromised, this may be considered an aggravating factor.
3	Breach of behaviour and conduct conditions where no criminal offence is suspected	Appendix 4 Driver's behaviour and conduct Conditions 4.3 – 4.12	Up to 7 days suspension	
4	Smoking at any time whilst in a licensed vehicle	Appendix 4 Smoking and Vaping Condition 4.29	Up to 28 days suspension	
5	Vaping at any time whilst in a licensed vehicle, or eating whilst passengers are in the vehicle	Appendix 4 Behaviour and Conduct and Smoking and Vaping Conditions 4.11 and 4.29	Up to 7 days suspension	
6	Holding and using a phone, sat nav, tablet or any device that can send and receive data whilst driving a licensed vehicle		Up to 28 days suspension	
7	Failure to notify the Council of a conviction, caution, fixed penalty notice, accident, or to failure to comply with other notification requirements	Appendix 4 Reporting to the Council Condition 4.22 - 4.27	Up to 28 days suspension	This includes all convictions, cautions and fixed penalty notices etc. and other policy notification requirements which impact on the Council's ability to protect the public
8	Failure to pick up passengers on time without notifying the passenger	Appendix 4 – Behaviour and conduct Condition 4.9	Up to 7 days suspension	If the customer is disabled or otherwise vulnerable or the matter is of a discriminatory nature, this may be considered an aggravating factor
9	Refusal to take a fare without reasonable excuse	Appendix 4 – Accessibility and assistance Condition 4.19 – 4.20	Up to 21 days suspension	If the customer is disabled or otherwise vulnerable or the matter is of a discriminatory nature, this may be considered

		Section 6 Disabled passengers		an aggravating factor
10	Failure to maintain subscription to DBS Update Service	Appendix 4 – DBS Update Service Condition 4.31	Suspension until new DBS certificate and evidence of subscription is provided	
11	Charges or tariffs displayed on taximeter not approved by the Council, or taximeter not sealed or working correctly, or tariff not displayed correctly	Appendix 7 – Fares and Meters Condition 7.24 Appendix 4 – Taximeters Condition 4.35	Up to 28 days suspension	
12	Failure to maintain a vehicle to a satisfactory standard	Appendix 7 – Vehicle condition Condition 7.10	Suspension of driver and vehicle licence until remedied	
13	Failure to display licence plate and other signage as prescribed by the Council	Appendix 7 – the Licence Plate and Livery and signage Condition 7.4 – 7.9	Suspension of driver and vehicle licence until remedied	
14	Private hire driver plying for hire	Appendix 7 – plying for hire Condition 7.26	Up to 28 days suspension	
15	Private hire driver parking or waiting on a taxi rank or other restricted area	Appendix 7 – plying for hire Condition 7.26	Up to 28 days suspension	
16	Allowing the vehicle to be used by another person in contravention of the licensing conditions	Appendix 7 – Vehicle use Condition 7.2 – 7.3	Up to 7 days suspension	
17	Failure to produce documents at the request of a licensing officer	Appendix 7 – Insurance and other documents Condition 7.13	Suspension of driver and vehicle licence until remedied	
18	Failure to carry driver badge and/or other identification notices as prescribed for executive hire vehicles	Appendix 7 – Executive hire vehicles Condition 7.29 – 7.30	Up to 7 days suspension	Applies to executive hire vehicles only

## SPECIFIC TO OPERATORS

No	Contravention	Contrary to	Maximum Suspension	Comment
19	Knowingly or recklessly allowing unlicensed drivers or vehicles to work, or operating vehicles in excess of the number permitted by their licence	Appendix 10 – number of vehicles Condition 10.31-10.32	Up to 28 days suspension	
20	Failure to keep or produce accurate legible records for bookings	Appendix 10 Records Condition 10.3 – 10.10	Up to 28 days suspension	
21	Refusal to take a booking without reasonable excuse	Appendix 10 Disabled Passengers Condition 10.11	Up to 28 days suspension	If the customer is disabled or otherwise vulnerable or the matter is of a discriminatory nature, this may be considered an aggravating factor
22	Failure to notify the Council of a conviction, caution or fixed penalty notice or to comply with other notification requirements	Appendix 10 Reporting to the Council Condition 10.12 – 10.17	Up to 28 days suspension	
23	Failure to record, report and settle complaints in line with operator's own policy	Appendix 10 Complaints Condition 10.18 – 10.24	Up to 28 days suspension	
24	Failure to notify passengers and potential passengers that the vehicle they have been allocated is licensed by another Council	Appendix 10 – use of vehicles and drivers licensed by another Council. Condition 10.34 – 10.36	Up to 28 days suspension	

11.11 This list of contraventions is not exhaustive and any not included will be dealt with in accordance with like contraventions.

11.12 Where a licensing officer suspends a driver or vehicle licence at the roadside, the driver will be required to immediately return the plate and/or badge to the officer.

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## FURTHER TRAINING

11.13 Drivers may be required to attend additional training should their behaviour or driving ability be called into question. Any costs associated with additional training will be covered by the licence holder.

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## HEARINGS

11.14 If a contravention does not immediately compromise the safety of the public, the fitness and propriety of the licence holder or applicant, the licensing officer may instead refer the matter to the licensing sub-



committee so that they can convene a hearing and make a determination.

11.15 A hearing may be convened for a number of reasons including the accumulation of warnings, a single matter that breaches the licence conditions, a change in circumstances since an application was made, or for any behaviour which might impact on the person's fitness to hold a licence.

11.16 Where an application is to be heard by the licensing sub-committee, the applicant will be provided with details about the reasons for the hearing being convened and will be given an opportunity to make representations, either in writing or orally at the hearing. All representations will be given full consideration prior to a decision being made in respect of the application.

11.17 The powers available to the licensing sub-committee include (but are not limited to):

- Suspension of the licence for a period of time, for example, to allow training to take place
- Revocation of the licence
- Refusal to grant a licence
- The imposition of additional conditions or requirements on the licence holder
- To take no action

## APPENDIX 12 – AUDIO AND VIDEO RECORDING IN LICENSED VEHICLES

- 12.1 It is not mandatory for any licensed vehicle to fit CCTV equipment or a dashcam.
- 12.2 Approval in writing shall be obtained from the Council before CCTV or dashcam equipment is fitted inside a vehicle.
- 12.3 Where a driver or operator chooses to install CCTV or a dashcam within a vehicle, they are responsible for ensuring that it is used in accordance with the applicable legislation and guidance.
- 12.4 For the purpose of the installation and operation of CCTV or a dashcam, the 'data controller' is the specified company, organisation or individual that has decided to have CCTV or a dashcam installed. The nominated data controller, as the licence holder of the vehicle that has a CCTV system installed, shall register with the [ICO \(Notification\)](#). Proof of registration shall be supplied to the Council before the system can be used.
- 12.5 All licensed vehicles fitted with CCTV or a dashcam shall display a sign or signs informing passengers that CCTV or a dashcam is fitted, and these should be visible outside and inside the vehicle. The signs shall also include the contact details of the data controller.
- 12.6 Any material recorded on the equipment shall be used only as evidence in court proceedings or to aid investigation of a crime or to confirm or refute complaints made against the driver and shall be accessible only to the data controller.
- 12.7 A CCTV system or dashcam should not be used to record audio and where this facility exists it shall be disabled. There are limited circumstances in which this would be permitted, for example, by the activation of a trigger (a 'panic button') to record for a short period of time. In the limited circumstances where audio recording is justified, signs shall make it very clear that audio recording may be carried out.
- 12.8 The data controller shall make available any recordings to a licensing officer, constable, or police community support officer as soon as reasonably practicable, and in any event within 48 hours.

## APPENDIX 13 – VEHICLE EMISSIONS AND CARBON NEUTRALITY

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### ELECTRIC AND HYBRID VEHICLES

- 13.1 All electric and hybrid saloon type vehicles which are new to licensing at LDC, will be no more than 10 years old.
- 13.2 The Council will rely on other aspects of this policy to ensure that all vehicles which are presented as new to licensing are of a sufficiently high standard.

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### VEHICLE EMISSIONS AND CARBON NEUTRALITY

- 13.3 On 31 March 2025, the Council will cease licensing vehicles which are of Euro 4 emissions standard and are powered solely by petrol internal combustion engines. This will not affect electric or hybrid vehicles
- 13.4 On 31 March 2029, the Council will cease the new to licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect the renewal of internal combustion engines vehicles already licensed by the Council. This will not affect electric and hybrid vehicles.
- 13.5 On 31 March 2032, the Council will cease licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric and hybrid vehicles.
- 13.6 These dates are subject to change based on amendments to legislation and national policy.