

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held in **CIVIC SUITE 0.1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 17 OCTOBER 2018** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

APOLOGIES

1. MINUTES (Pages 5 - 12)

To approve as a correct record the Minutes of the Licensing and Protection Committee held on 20th June 2018.

**Democratic Services
388169**

2. MEMBERS INTERESTS

To receive from Members declarations as to disclosable pecuniary and other interests in relation to any Agenda Item.

3. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS
(Pages 13 - 24)

To consider the monitoring report on the delivery of the Food Law Enforcement Plan and the Health and Safety Service Plan for the period 1st April to 30th September 2018.

**S Walford
388002**

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY
(Pages 25 - 146)

To consider a report by the Head of Community seeking approval of a new taxi licensing policy for the District Council.

**M Bebbington
387075**

5. SCHEDULE OF FEES AND CHARGES (Pages 147 - 154)

To consider a report by the Head of Community outlining adjustments to fees and charges for licences issued by the District Council.

**M Bebbington
388010**

6. LICENSING AND PROTECTION SUB COMMITTEE (Pages 155 - 156)

To receive a summary of the meetings of the Licensing and Protection Sub Committee that have taken place since the last meeting of the Committee.

**Democratic Services
388169**

Dated this 9 day of October 2018



Head of Paid Service

Notes

1. Disclosable Pecuniary Interests

(1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*

(2) *A Member has a disclosable pecuniary interest if it -*

(a) relates to you, or

(b) is an interest of -

(i) your spouse or civil partner; or

(ii) a person with whom you are living as husband and wife; or

(iii) a person with whom you are living as if you were civil partners

and you are aware that the other person has the interest.

(3) *Disclosable pecuniary interests includes -*

(a) any employment or profession carried out for profit or gain;

(b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);

(c) any current contracts with the Council;

(d) any beneficial interest in land/property within the Council's area;

(e) any licence for a month or longer to occupy land in the Council's area;

(f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or

(g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.

Non-Statutory Disclosable Interests

(4) *If a Member has a non-statutory disclosable interest then you are required to declare that interest, but may remain to discuss and vote providing you do not breach the overall Nolan principles.*

(5) *A Member has a non-statutory disclosable interest where -*

(a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or

(b) it relates to or is likely to affect a disclosable pecuniary interest, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association, or

(c) it relates to or is likely to affect any body –

(i) exercising functions of a public nature; or

(ii) directed to charitable purposes; or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a Member or in a position of control or management.

and that interest is not a disclosable pecuniary interest.

2. Filming, Photography and Recording at Council Meetings

The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and available via the following link [filming, photography and recording at council meetings.pdf](#) or on request from the Democratic Services Team. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.

Please contact Mrs Claire Bulman, Democratic Services, Tel: 01480 388234 / email: Claire.Bulman@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Elections & Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in Civic Suite 0.1A, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 20 June 2018.

PRESENT: Councillor S J Criswell – Chairman.

Councillors B S Banks, Mrs M L Beuttell,
J R Clarke, S J Corney, Mrs A Dickinson,
Mrs S A Giles, Mrs P A Jordan and
D J Mead.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors L W McGuire and Mrs P E Shrapnel.

5. MINUTES

Subject to the inclusion of Councillor P A Jordan in the list of attendees for the meeting on 23rd May 2018, the Minutes of the meetings of the Licensing and Protection Committee held on 7th March and 23rd May 2018 were approved as correct records and signed by the Chairman.

6. MEMBERS INTERESTS

No declarations were received.

7. SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2018-19

Pursuant to Minute No. 32, consideration was given to a report by the Head of Community (a copy of which is appended in the Minute Book) to which was attached the provisional 2018-19 Service Plan for Food Law Enforcement.

The Committee were reminded that the Food Standards Agency (FSA) requires every local authority to outline how it will fulfil its duty to deliver food controls within the District. The resultant Service Plan sets out how the food safety and hygiene enforcement function within the Council will be delivered over the coming year and details the resources required to deliver the service, together with a review of the previous year's performance. Since the last meeting it had been updated to reflect the end of year performance figures and the budgetary position.

The Committee were advised that the Council would continue to adopt a risk based proactive approach to food hygiene inspections and attention was drawn to the Service's Key Priorities for the coming year, these included:

- ❖ 'Better Business for All' – working collaboratively with local authority colleagues to provide transparent, consistent and accessible regulatory advice;

- ❖ Adopting clear messages to communicate effectively to local business how to comply with legislation;
- ❖ Targeting low performing business with additional coaching and advice;
- ❖ The introduction of new regulations to reduce acrylamide in foods; and
- ❖ The promotion of the Healthier Options Scheme to introduce preparation methods or menu choices which contribute to a healthier diet.

With regards to the risks which could impact on the implementation of the Plan, Members commented on the continuing vacancies within the Business Team and noted that efforts were ongoing to fill these positions in a difficult employment market. Whilst the proposed plan for 2018/19 was based upon a full staffing complement, Members would be able to monitor the impact of this on service levels through the progress reports which are presented to the Committee on a quarterly basis.

In reviewing the predicted programme of proactive activity, Members commented on the predicted increase in the number of Alternative Enforcement Strategy (AES) inspections and noted that visits to these lower risk premises were undertaken on a rolling programme. The predicted figure within the report was the number on which the Service would expect to require an intervention in the forthcoming year.

Whereupon, it was

RESOLVED

that the Service Plan for Food Law Enforcement 2018-19 be approved in accordance with the Council's Constitution.

8. SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2018-19

Pursuant to Minute No. 33, consideration was given to a report by the Head of Community (a copy of which is appended in the Minute Book) to which was attached the 2018-19 Provisional Service Plan for Health and Safety Regulation.

The Committee were advised that the Health and Safety Executive (HSE) requires every local authority to outline how it will fulfil its duty to make adequate arrangements for the enforcement of the relevant statutory provisions within its area. The resultant Service Plan for 2018-19 sets out how the health and safety function within the Council will be delivered over the forthcoming year and details the resources required to deliver it, together with a review of the previous year's performance. The Plan was largely unchanged from the version submitted to the Committee in March 2018, however performance figures for the last quarter of the year had now been incorporated.

In reviewing the proposed plan, a Member commented on the benefits which might be secured from health and safety partnerships

and suggested that this could warrant further consideration.

Whereupon and Members having been urged to familiarise themselves with the details of the Plan to ensure a better understanding of the ways in which the Council deals with Health and Safety incidents, it was

RESOLVED

that the Service Plan for Health and Safety Regulation 2018-19 be approved.

9. UPDATE ON CONSULTATION ON THE DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

With the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee received an update on the responses received from the public consultation exercise undertaken on a Draft Hackney Carriage and Private Hire Licensing Policy.

Members were advised that seven written submissions had been received during the consultation period alongside forty valid on-line survey responses. The majority of which were strongly in favour of the Council establishing an overarching policy document that reflects current legislation and guidance, that is relevant and kept up to date. Attention was drawn to the specific issues relating to good practice which the Council would address and include as part of the proposed new policy following the consultation.

In reviewing the consultation responses, Members welcomed the positive responses and feedback which had been received from the exercise. However it was suggested that further explanation was required in those areas which had been supported by the consultation but the Council had decided not to pursue.

In response to a question, the Chairman reminded the Committee that it had been agreed at the last meeting that there should be further exploration of the option to require a uniform appearance for Hackney Carriage vehicles within the District. However this may be a longer term objective.

The Committee went on to discuss the potential to limit the number of Hackney Carriage Vehicle licences granted within the District. However having noted that there had been a general move away from this in recent years, the results from the consultation and a desire to encourage open competition the Committee agreed that they were not minded to pursue this as an option at this stage.

Having noted that work on developing the new policy was continuing, Members were also advised that work was also being undertaken to develop the business case for the implementation of the training and testing elements proposed within the new policy. This would include a cost impact assessment to the trade and a timeframe for the introduction of the new elements for new and existing licence holders.

The final policy would be brought back to the Licensing and Protection Committee for approval in due course.

10. THE ENVIRONMENTAL OFFENCES (FIXED PENALTIES) (ENGLAND) REGULATIONS 2017

With the assistance of a report by the Community Resilience Manager (a copy of which is appended in the Minute Book) the Committee received an update on the implementation of the Environmental Offences (Fixed Penalties) (England) Regulations 2017 which came into force on 1st April 2018.

The Committee were informed that Fixed Penalty Notices are a civil enforcement sanction used by Local Authorities as an alternative to prosecution for certain offences, The new Regulations make changes to the level of penalties for environmental offences setting a default, minimum, maximum and lesser penalty amount.

Having noted that penalty levels had not been reviewed for some time, the Committee were advised that the report proposed that Fixed Penalty Notices issued by Huntingdonshire District Council for Environmental Offences should be at the maximum level and not to offer a lesser amount for early payment. The number of Fixed Penalty Notices issued by the Council within the last year had increased and it was hoped that the increase would demonstrate the seriousness with which the Council views these type of offences. Details of proposed fine levels for specific offences were set out in paragraph 3.1 of the report.

Having welcomed the proposed increases as a deterrent against environmental offences, Members were advised that the ability to set differing amounts at a minimum or maximum level was intended to allow local flexibility such that local authorities could prioritise different offences for action. The issuing of Fixed Penalty Notices features as part of the delivery of the Council's Corporate Enforcement Policy and very much as a last resort.

In response to a Member's question concerning the Council's policy on nuisance parking, the Committee were advised that whilst the Authority maintained a policy for those parking on District Council land, Cambridgeshire Constabulary were responsible for on-street parking and Members were advised to speak to their local policing team regarding any specific ongoing problems.

Whereupon and having noted that new Fixed Notice Penalty fine levels would be implemented from 1st July 2018 and that there will be minimal resource implications, it was

RESOLVED

- a) that the Council's Scheme of Delegation be updated to adopt the powers contained within the Environmental Offences (Fixed Penalties) (England) Regulations 2017;
- b) that Fixed Penalty Notices be issued at the 'maximum penalty amount' and that a lesser amount for early payment will not be offered, as defined within the Environmental Offences (Fixed

Penalties) (England) Regulations 2017 or any future amendment to the Regulations involving fine levels;

- c) that the responsibility for the creation and maintenance of policies and procedures regarding the Environmental Offences (Fixed Penalties) (England) Regulations 2017 be delegated to the Head of Community in consultation with the Executive Councillor for Regulation and Operations.
- d) that the Head of Community be authorised for the purposes for enforcement of the Environmental Offences (Fixed Penalties) (England) Regulations 2017, with the ability to authorise such other Officers as considered appropriate. In the case of any legal action, any decision to be made in consultation with the Head of Legal Practice.

11. THE LITTERING FROM VEHICLES OUTSIDE LONDON (KEEPERS: CIVIL PENALTIES) REGULATIONS 2018

With the assistance of a report by the Community Resilience Manager (a copy of which is appended in the Minute Book) the Committee were advised of the implementation of the Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018 which came into force on 1st April 2018.

As a result of this new legislation the Committee were informed that local authorities are now able to issue Fixed Penalty Notices (FPNs) specifically for the offence of littering from a vehicle. Member's permission was being sought to utilise this new power and to set the levels for Fixed Penalty Notices at the maximum amount to demonstrate the seriousness with which the District Council takes this offence.

In discussing the report, Members noted that the Council has been issuing Fixed Penalty Notices of £75 for a littering offence. The evidence to-date suggests the offender is more likely to pay the penalty than not and reduces the likelihood of repeat offenders. Information was also provided on the powers which could be utilised to tackle local businesses who committed littering offences.

Having noted that the new fine level would be implemented from 1st August 2018 following a local publicity campaign and that there will be minimal resource implications, it was

RESOLVED

- a) that the Council's Scheme of Delegation be updated to adopt the powers contained within The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018;
- b) that Fixed Penalty Notices will be issued at the 'maximum penalty amount' and that a lesser amount for early payment will not be offered, as defined within The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 or any future amendment to

the Regulations involving fine levels;

- c) that the responsibility for the creation and maintenance of policies and procedures regarding The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 be delegated to the Head of Community, in consultation with the Executive Councillor for Regulation and Operations;
- d) that the Head of Community be authorised for the purposes of enforcement of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018, with the ability for the to authorise such other Officers as considered appropriate. In the case of any legal action, any decision to be made in consultation with the Head of Legal Practice; and
- e) that the Head of Community be authorised to determine representations against the penalty notice as defined within Part 4 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 or any future amendments to the Regulations

12. REPRESENTATIONS ON EXTERNAL ORGANISATIONS

With the assistance of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Committee were invited to review the Council's representation on those organisations to which it appoints.

Whereupon and having noted that local ward councillors had been proposed for the four appointments, it was

RESOLVED

that nominations be made to the following organisations for the period to 4th May 2022 -

Organisation	Representative
Cambridgeshire Consultative Group for the Fletton Brickworks Industry	Councillor E R Bu
Little Barford Power Station Liaison Committee	Councillor B Bank
Needingworth Quarry Local Liaison Committee	Councillors L Bes J Neish
Warboys Landfill Local Liaison Committee	Councillor J Taver

13. LICENSING AND PROTECTION SUB COMMITTEE

With the aid of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Committee received and noted the details of four meetings of the

Licensing and Protection Sub Committee which had taken place between 14th March and 25th April 2018.

14. SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE AND DRIVERS LICENCES UNDER DELEGATED POWERS

With the aid of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee noted the details of actions which had been taken since the last meeting under the Head of Community's delegated authority.

Chairman

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Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title:	Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans
Meeting/Date:	Licensing and Protection Committee – 17 October 2018
Executive Portfolio:	Executive Councillor for Operations and Regulation - Cllr M Beuttell
Report by:	Operational Manager (Business) – Susan Walford
Ward(s) affected:	All

Executive Summary:

The Food Law Enforcement Service Plan and Health and Safety Service Plan 2018-19 were approved by committee on 20 June 2018.

This monitoring report covers the period from 1 April 2018 to 30 September 2018. The first six months of the implementation of these plans. In general terms the monitoring report accounts for work undertaken by the Business Team within the defined period and compares this to the service plan to ensure that the service is on target to deliver the programmed work.

Programmed work is delivered alongside reactive work, the volume of which by definition is impossible to predict. This work is carried out according to risk. Complaints and accident investigations are prioritised using risk-based selection criteria, and the volume of work is reported here to attempt to identify any emerging risks in terms of resource provision.

Appendices 1 and 2 contain detailed information about the delivery of the Food Law Enforcement Service Plan. Appendix 3 contains detailed information about the delivery of the Health and Safety Service Plan.

The team have carried vacancies for most of this year which has impacted on targets and service delivery. From October we will be joined by two full-time Graduate Officers who will complete a competency based induction programme to ensure they develop the necessary skills to contribute to the relevant service plans. We will continue to prioritise higher risk interventions and complaints whilst providing business support to maintain a quality service.

Recommendation:

Members are requested to:-

Note progress and provide any comments considered appropriate, on the delivery of the two Service Plans for the period 1 April to 30 September 2018.

1. PURPOSE OF THE REPORT

- 1.1. The report provides information about the delivery of the two Service Plans for the period between 1 April and 30 September 2018.

2. WHY IS THE REPORT NECESSARY?

- 2.1 Members have asked to be kept informed about the delivery of the work in the approved plans.

3. A DESCRIPTION OF THE SERVICES COVERED BY THE REPORT

- 3.1 Food Law Enforcement consists of the following areas of work:

- a) Planned activities such as routine inspections of food businesses, food and environmental sampling and the provision of food hygiene training courses;
- b) Unplanned (reactive) work such as the investigation of customer complaints, dealing with requests for compliance advice and following up notifications of food poisoning;
- c) Liaison with other departments in the interests of coordinated service delivery: in particular licensing and planning;
- d) Supporting national strategies and the wider public health agenda.

- 3.2 Health and Safety regulation consists of these areas of work:

- a) Planned activities such as unannounced inspections of high risk businesses and targeted interventions in line with the HSE's strategic aims;
- b) Unplanned (reactive) work such as the investigation of notifiable accidents, prescribed diseases, complaints and dealing with serious risks that are identified during other activities (Matters of Evident Concern);
- c) The provision of compliance advice to businesses.

4. PROGRESS AGAINST THE APPROVED PLANS

- 4.1 Appendices 1 and 2 relate to the delivery of the Food Law Enforcement Service Plan.

- 4.2 Appendix 1 compares the recorded activity in each of the programmed work service areas with the predicted activity in the approved Service Plan. The key activities of compliance revisits, approved premises inspections and other proactive visits are all green. The alternative enforcement strategy is currently at amber; this is not however an immediate concern as these is our very low risk premises that are assessed by means other than visits and will be picked up throughout the remainder of the year.

- 4.3 Delivery of the programmed intervention schedule is currently rated as amber with less than 25% of premises requiring inspection having been visited. There are 348 outstanding category A-D premises requiring an intervention before the end of March. Official controls will be undertaken in all high risk premises (A and B) by the end of the year. Premises which are part of the low performer project will be visited whilst those rated C and D that are broadly compliant may be subject to an alternative intervention other than a full or partial inspection. Current enforcement activity is low with businesses generally compliant, 97% of premises have an FHRS score of 3 or higher; however one business has been affected by a cockroach infestation which has required officer time to monitor and support compliance over the summer.

- 4.4 Appendix 2 refers to the unplanned (reactive) work. The number of customer complaints and service requests is driven by demand, so they are closely monitored and prioritised according to risk using publicly available selection criteria. Any intelligence emerging around trends can be used to inform proactive work through education or enforcement action. Complaints and service requests were much higher than expected

over the summer period. Further work is being undertaken to determine whether there was any identifiable underlying cause for this increase.

- 4.5 This area of service delivery has been heavily impacted by the vacant posts within the team. Whilst there is an outstanding part-time vacancy in the team, recruitment to the two full time positions has been successful. Both officers will participate in a competency based induction programme to ensure they have the necessary skills prior to being authorised to undertake the full range of enforcement duties. It is anticipated that whilst this may take a little while they should be able to effectively contribute to other aspects of service delivery.
- 4.6 The food hygiene training programme is continuing to be delivered with a very high success rate. Our partnership with Cambridgeshire Catering Services is in the process of being dissolved as County Council have now out-sourced the rest of the school meals service. We are however continuing to promote primary authority, participating in a pilot with Regulatory Delivery the section of government responsible for the primary authority regime. This work seeks to establish effective collaboration with signpost-2-grow and neighbouring authorities to link business with a regulator who is able to delivery primary authority services.
- 4.6 The Better Business for All programme has developed with local authorities in the area forming a steering group with Signpost-to-Grow and Regulatory Delivery. Work has commenced to draw up a regulatory advice brochure which will be web-based and readily available to businesses to promote services and signpost to support. Once this is available there will be a staff launch and wider engagement with the business community.
- 4.7 The Food Standards Agency continue to refine their Regulating our Futures programme. The aim is to modernise how food businesses are regulated to check that our food is safe and what it says it is. The vision is for a sustainable, flexible and adaptive system designed to leverage changes in business' behaviour, rather than to deliver regulation in the traditional sense. Recent progress includes:
- Business start-up and enhanced registration will become easier with the introduction of a new digitally enabled approach, facilitating on-line registration and access to information and guidance. It will also allow real-time access to registration details of all businesses in England, Wales and Northern Ireland. Integral to the new system will be processes for generating a unique identifier for each registration and for verification of the person responsible for each business. The system should be ready to go live by March 2019, requiring an awareness programme in the New Year to inform businesses of the new process.
 - Segmentation of food businesses. Currently all food businesses are inspected when they first start trading, regardless of their food safety risk. This "one size fits all" approach is not sustainable, proportionate or risk-based. The FSA have been building a risk engine which uses a set of business rules to generate a risk score which segments businesses into categories. This categorisation will determine the nature, frequency and intensity of official controls for all new businesses using the online service to register. The proposal currently being considered is for businesses providing low risk food or those that are of limited scale and complexity will no longer receive an initial inspection but rather only be inspected as and when additional information or a complaint indicates that one is necessary. An initial version of the risk engine is expected to be released with the new enhanced registration system in March 2019.
 - For multi-site operators there will be an increased focus on the controls that operate at business level rather than doing this routinely at each individual outlet. This will be achieved by the introduction of Standards for Primary Authority National Inspection Strategies. These are suited to businesses that demonstrate high levels of compliance. Assurance that the business is meeting its

responsibilities will be assessed centrally by its primary authority, feedback from Local Authorities will be used to check the inspection strategy is working and the Food Standards Agency will have oversight that the approach is reliable and robust. This means responsible businesses could face a lower burden from regulation and Local Authority resources can be better targeted to the businesses that present the greatest (residual) risk to public health.

- The Food Standards Agency is committed to securing the necessary support to introduce a statutory scheme for Food Hygiene Rating. They are preparing a framework in order to roll this out as soon as the opportunity is presented.
- In terms of the Food Standards Agency monitoring of Local Authorities they are looking to improve the way in which they provide oversight of our performance. It is envisaged that in future this will be in the form of a Balanced Scorecard, a digitally enabled tool which can use internal and external data, including FHRS data to help provide a more rounded and up-to-date picture of performance. This will also allow for benchmarking with other authorities, providing a driver for service improvement.

It is envisaged that these changes will be ready for implementation from March next year. However this will be dependent on the progress of work currently underway.

- 4.8 We are keeping a watching brief on plans for the UK to leave the European Union and what that might mean for food and feed legislation. This is key to maintaining public protection particularly around import controls and supporting businesses that wish to export. There are over 20 European Regulations relating to food and enforcement that will need to be translated into UK law. As soon as these are confirmed we will need to ensure that our delegated powers and officer's authorisations are amended to reflect the change. The Food Standards Agency have acknowledged that if this detail is not known soon enough there could be a time pressure in ensuring that enforcement can continue on day one. Government are working to confirm changes at the earliest opportunity.
- 4.9 The Health and Safety Service Plan also contains a mixture of programmed work, reactive work and the provision of compliance information and advice. The number of inspections carried out is down with reported accidents being higher than envisaged and taking resources. The team have planned a LEAN review of the service in October to look at current processes and to re-evaluate service provision ahead of drafting the service plan for 2019-20.
- 4.10 The Coroner's Inquest into the death reported at Hamerton Zoo has not yet been concluded requiring ongoing commitment from officers. A further hearing date has been set for 16 November 2018. Work has also commenced with the zoo in preparation for the renewal of their licence which is due in 2019.
- 4.11 Officers continue to witness serious health and safety problems whilst carrying out other duties. These are identified as "Matters of Evident Concern" (MEC). The frequency with which they are reported is an indication of the extent to which businesses fail to manage serious risks without our intervention.

5. RISKS

- 5.1. The failure to monitor the delivery of the approved Service Plans could invite criticism from the Food Standards Agency and the Health and Safety Executive in their capacities as the national regulators.
- 5.2. Members have asked to be kept informed about the delivery of the approved Service Plans in order that they can comment on the way in which the service is provided as well as the available resources. Current performance is encouraging given the amount of resource being deployed into the fatal accident investigation and the continuing vacancy in the team. Recruitment to two vacant posts has been successful but both officers are

required to complete a competency based induction programme before they will be able to carry out the full range of duties provided by the service. The part-time vacancy is being used to provide specialist support around the fatal accident inquiry.

6. LINK TO THE CORPORATE PLAN

- 6.1. These reporting arrangements support the wider corporate objectives to “*Improve the efficiency of service delivery and become more business-like*” and to “*drive service priorities*”.

7. LEGAL IMPLICATIONS

- 7.1 None

8. RESOURCE IMPLICATIONS

- 8.1 The failure to report the delivery of the approved Service Plans may prejudice the Council’s ability to provide the necessary resources.

9. OTHER IMPLICATIONS

- 9.1. None.

10. REASONS FOR THE RECOMMENDATION

- 10.1. To keep Members informed about the delivery of the approved Service Plans.

11. APPENDICES

Appendix 1 - Food Safety Service Plan: Programmed (proactive) Activity
Appendix 2 - Food Safety Service Plan: Reactive Activity
Appendix 3 - Health and Safety Activity

CONTACT OFFICERS

Mrs Susan Walford
Operational Manager (Business)
Tel 01480 388002

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Appendix 1 – Food Safety Service Plan: Programmed (proactive) Activity

Proactive Tasks	Level of Activity		Progress
	Predicted activity 2018-19	Recorded activity 1 April 2018 – 30 September 2018	RAG Status
Programmed food hygiene inspections (risk group A-D, in addition to those below)	444	96	A
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	229	Assessed 59 Pending 7	A
Revisits	100	8 (Pending 7)	G
Inspections of or visits to new food businesses ¹	130	79	A
Visits to Approved Establishments	8	2	G
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training ²	10	5 Hours	G
Other proactive visits (food, water and environmental samples/advisory)	220	149	G
Prosecutions and cautions	2	(1) ³	G
Formal action (service of notices, closures)	20	0	G
Food safety and public health promotion	<ul style="list-style-type: none"> • Promotion of food hygiene training has led to 4 Training courses being held. Opportunities to provide bespoke training are currently being pursued with 3 businesses who have shown an interest • Engagement with businesses to promote the Healthier Options Project • Collaboration with the Food Standards Agency who have undertaken consultation on revisions to the Food Law Code of Practice and participation on the enhanced registration of businesses workstream as part of the Regulating our Future. 		

Notes

1. *New businesses continue to be unpredictable – the definition includes both brand new start-up businesses as well as those that are changes of ownership or food business operator within an existing business. All have to be added to the premises database and visited as soon as possible. New businesses are triaged to ensure that the brand new higher-risk start-ups receive support and visits to clarify any queries they have around the requirements for compliance.*
2. *Officer time spent on Primary Authority Agreements such as that with Cambridgeshire Catering and Cleaning Services (CCS) are recharged to the business in line with the agreed cost recovery arrangements. Changes at Cambridgeshire County Council have resulted in CCS being dissolved and therefore we are reporting time spent to support the business as they handover to new providers.*
3. *This prosecution relates to an incident that occurred in 2017 and was thought to have been concluded. The defendant has subsequently applied to the court for a retrial and the case is due to be heard in January 2019.*

Appendix 2 – Food Safety Service Plan: Reactive Activity

Reactive Tasks	Level of activity		Risk Monitoring
	Predicted Activity 2018-19	Recorded activity 1 April 2018 – 30 September 2018	RAG Status
Complaints and service requests about food and about/from food businesses ¹	550	317	G
Food, water and environmental samples taken ²	25	22	G
Infectious disease control - notifications of food-borne/food poisoning illnesses	80	31	G
FSA food alerts for action	2	0	G

Notes

¹A higher number of service requests about food related issues and food businesses were received over the summer period. Further work is being undertaken to determine whether there was any identifiable underlying cause for this increase. Complaints received relate to issues such as foreign body contamination, mould and food poisoning type symptoms which have not been formally confirmed by a GP.

²A number of samples were taken from premises in the district following complaints about practices. Results from two businesses tested positive for E.Coli resulting in follow up action to remove and repair faulty equipment and ensure high standards of cleanliness were maintained by staff. Both food business operators were keen to cooperate and work with Officers to rectify the issues.

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Appendix 3 – Health and Safety Activity

Type of Activity	Level of Activity		Progress
	Predicted Activity 2018/19	Recorded Activity 1 April – 30 September 2018	Status (Green, Amber, Red)
Premises inspections and interventions (including revisits)	100	14	A
Health and safety complaints and requests for service received ¹	75	30	G
Accident and dangerous occurrence investigations commenced ²	25	29	A
Specific smoke free enforcement visits ³	10	0	G
Matters of Evident Concern (MEC) Identified ⁴	30	6	G
Health and safety promotion and advice to business/enquiries	Work has commenced on a web based information pack for business in collaboration with local authority partners and Signpost 2 Grow as part of the Better Business for All partnership.		
Liaison with other organisations	There have been 2 meetings of the Cambridgeshire and Peterborough Liaison Group to discuss H&S initiatives.		

Notes

1. This figure includes statutory notifications about working with asbestos, Adverse Insurance Reports (AIR) about unsafe work equipment and requests for advice and information. The diversity of work illustrates the importance of maintaining resources in order that effective investigations can be carried out.
2. The selection of accidents for investigation is founded upon the risk-based criteria in Local Authority Circular (LAC) 22/13.
3. This figure is driven by the number of relevant complaints received by the service.
4. Matters of Evident Concern are significant health and safety problems that officers have noted during non-health and safety activities.

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**Public
Key Decision No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Hackney Carriage and Private Hire Licensing Policy

Meeting/Date: Licensing and Protection Committee – 17 October 2018

Executive Portfolio: Executive Councillor for Operations and Regulation - Cllr M Beuttell

Report by: Head of Community – Chris Stopford

Ward(s) affected: All

Executive Summary:

To approve a final taxi licensing policy, taking into account the comments received from the public consultation exercise, any legislative changes and any guidance received during the drafting period. The cost of implementing the policy will be financed from the receipt of licence fees.

The service currently operates within a number of separately published policies and procedures, but has no overarching policy document. The public consultation exercise asked whether the Council should formulate and publish a dedicated taxi policy statement. It also took the opportunity to undertake a survey covering a number of associated matters.

The policy addresses new and recent statutory duties placed upon the Council, it has provided an opportunity to re-visit a number of existing policies and procedures and has enabled the consideration and introduction of a number of new discretionary initiatives to raise standards.

This report provides feedback from a consultation exercise which was authorised by the Committee on 5 July 2017. The responses to the consultation exercise are strongly in favour of the Council establishing an overarching taxi policy. It recommends replacing a number of documents with a new single policy. The issues were discussed at Policy Development Group on 18 September and their views are reflected within the report.

For ease of reference, all major changes to the documents have been highlighted. These matters will be addressed and amended in production of the final published document.

Recommendations:

It is recommended that:

- 1. Members consider the comments received and approve the taxi licensing policy, attached as Appendix A to take effect from 1st January 2019.**

- 2. The conditions of licensing attached as annexes 1 to 7 be adopted and take effect from 1st January 2019.**
- 3. That members determine whether the wording of door stickers for private hire vehicles be “Private Hire Vehicle – Insurance invalid unless pre-booked with operator” or the alternative put forward of ‘No booking – no ride’. This wording would sit alongside the unique licence number to show it was an HDC authorised vehicle ie H123 or P321.**
- 4. Members approve the requirement to have permanent or magnetic or both door signs displaying the plate number issued by HDC.**
- 5. That the introduction of a 5 year maximum age of a vehicle at first date of licensing be introduced.**
- 6. That existing drivers be required to complete the training on Safeguarding, Child exploitation and Disability Equality.**
- 7. The Head of Community, in consultation with the Executive Councillor for Community Resilience, Well-Being and Regulatory Services, be authorised to make minor amendments to the policy and annexes that are considered necessary without the need to consult on the whole document. Or as in policy: The Licensing and Protection Committee may make any amendments to the policy and any annexes. Sections may be updated and amended without the whole policy being consulted upon.**
- 8. That the Head of Community be authorised to investigate and implement the most appropriate and cost effective method of delivering the Safeguarding, Child Exploitation and Disability Equality training and the implementation of the knowledge, English and mathematics testing. It is recommended that these periods for implementation be delegated to the Head of Community for determination in line with the processes put into place.**
- 9. Should it not be possible to implement or deliver any measures proposed within the new policy by 1st January 2019, then authority be given to the Head of Community to implement such measures as soon as possible thereafter.**

1. PURPOSE OF THE REPORT

- 1.1 The Council has a duty to provide a safe and secure taxi service to the public which provides value for money. Between 1 April 2015 and 31 March 2017, the number of drivers and vehicles licensed within the district increased by 31% and 17% respectively. The service currently operates within a number of separately published policies and procedures, but has no overarching policy document. It was agreed by the Licensing and Protection Committee in July 2017 that a dedicated taxi policy be formulated, consulted upon and published. On 20 September 2017 the Licensing and Protection Committee approved a draft policy for public consultation.
- 1.2 The purpose of this report is to invite members to approve the final policy and schedules of conditions (Appendix A) taking into account the public consultation responses and recommendations put forward.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The introduction of a policy provides the ability to state and extend our aims and objectives, including additional areas such as protection from harm, environmental sustainability and crime and disorder. It has also provided an opportunity to review, update, introduce or discontinue elements to ensure they are LEAN and customer led.
- 2.2 Some matters for consideration are statutory, others are in line with our corporate plan, or provide positive improvements to standards. Our standards going forward determine our position in the market and include measures to support the local community.
- 2.3 The document sets out the Council's policy and duties relating to the licensing of Hackney Carriage and Private Hire drivers, vehicles and operators. It provides guidance and information on the approach taken by the Council in administering its functions and addresses the legislative framework. Once introduced, the policy may need regular updating to reflect changes, but will provide a customer focused and readily available service for the trade and the public. It will be fully available to view on line.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 At the meeting held on 20 September 2017, it was considered necessary to introduce a new dedicated taxi licensing policy and members agreed the scope of the document.
- 3.2 The following legislative elements were included:
 - The operation of 3 year licences for drivers and 5 year licences for operators with effect from 1 November 2018 with the option for 1 year licences, if appropriate
 - To include new statutory provisions relating to the Immigration Act 2016 and right to work in the UK.
 - To include new statutory provisions relating to the Equality Act 2010.
- 3.3 It was agreed that the following be consulted upon as being examples of good practice, providing a safe and secure taxi service to the public and raising standards:

- The introduction of new elements of training for drivers on child sexual exploitation, safeguarding and disability awareness.
- To review the conditions for drivers, vehicles and operators.
- To update the Council's guidelines relating to the relevance and treatment of convictions.
- To introduce a local knowledge test for new drivers.
- To introduce an English/ Maths test
- Imposing an age limit on licensed vehicles.
- Consideration of a more uniform appearance for Hackney Carriage Vehicles.
- Consideration of mandatory door stickers for Private Hire Vehicles.
- A requirement for operators to have a documented complaints procedure.
- Consideration of new requirements for operators, including a sliding scale of fees

3.4 At the meeting on 20 September 2017, members also agreed that:

- The penalty points system in its current format should be discontinued.
- The delegations of authority should be reviewed as a separate exercise.

4. KEY IMPACTS / RISKS

4.1 We have a duty to implement government legislation and are advised to adopt government guidance. If we do not do so, then we are open to legal challenge.

4.2 Policies and procedures provide evidence of our stance on taxi licensing matters. A policy will be transparent, will aid consistency of practice and will be made available to the public.

4.3 The absence of an overarching policy could impact upon the ability for drivers and customers to easily access relevant information.

5. ACTIONS TAKEN AND TIMETABLE FOR IMPLEMENTATION

5.1 Twelve weeks public consultation and engagement with the trade was undertaken between October and December 2017 on a draft policy.

5.2 A revised policy has now been drawn up, taking into account all responses received from the consultation for final approval by the Licensing and Protection Committee.

5.3 It is proposed that implementation of the policy/ proposals will take effect on 1 January 2019, however there may be elements that will take longer to put in place, or require a period of time to achieve. An examples of this would include the grant of a period of one year be permitted for existing drivers to undertake safeguarding/ equality training.

5.4 It states in the policy that amendments to sections of the policy can be undertaken without requiring public consultation on the whole document. This will enable periodic reviews to keep the document relevant and current. It will also enable sections of the document to be updated as appropriate.

5.5 In developing a new policy officers have also responded to the consultation review to keep licensing conditions up to date by revamping the conditions of licensing and convictions policy that will sit under the overarching policy.

5.6 In developing a revised set of conditions the Hackney Carriage and Private Hire vehicle conditions have been amalgamated into one set of conditions to reduce duplication.

5.7 A new “relevance of convictions policy” has been drafted to reflect the Local Government Association and Institute of Licensing approved conditions which is also to be adopted as best practice by the Department of Transport in its “Taxi Best Practice Guidance for Local Authorities” (to be published soon).

6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES

6.1 This opportunity is being used to review and simplify related areas, ensuring that our processes are LEAN, customer focused and provide value for money. The introduction of safeguarding and child exploitation training is a positive move in support of the Council’s corporate plan.

7. CONSULTATION

7.1 The proposed policy was discussed at the Policy Development Group meeting on 18 September 2018.

7.2 Policy and development group considered the policy and conditions and made the following recommendations for Licensing Committee to consider:-

- That a Maximum age of 12 years should not be adopted for all licensed vehicles but that further work should be done on the impact of air quality from emissions of licensed vehicles.
- Following Officer recommendation there should be a maximum age of 5 years at 1st registration of vehicles.
- That we should not impose a single colour (eg Hunts DC Blue) on all Hackney Carriage vehicles.
- That permanent or magnetic door signs be available to proprietors.
- Provision of CCTV should not be required by policy but guidance and support should be given to those drivers who wished to install it.

7.3 Consultation with the trade and public took place over a twelve week period between 29 September and 22 December 2017 in accordance with Cabinet Office guidelines. Seven individual written responses and one hundred and forty five responses to the on-line survey were received. Forty of the on-line survey responses are considered to be valid and have been considered. A further one hundred and five virtually identical responses originating from one IP address have been discounted as being vexatious. The individual comments have been summarised and are attached as Appendix B, together with an appropriate response and action taken. The results of the on-line survey are attached as Appendix C. Of the 40 relevant responses received to the survey, 75% lived within Huntingdonshire District.

7.4 It is for the Licensing Authority to consider the views of consultees and attach an appropriate weight on whether they should be taken into account and to what extent. Some of the matters raised fall outside the scope of the policy and/ or the consultation exercise undertaken. However it is acknowledged that a number of other issues have arisen as a result of the consultation that will be investigated separately as a part of the aim to provide an effective service. E.g. emission limits and air quality considerations, electric cars etc.

7.5 Views were sought on the following specific issues:

Legislative – will be introduced

- Should the Council have a dedicated licensing policy for the Hackney Carriage and Private Hire trade reflecting current legislation and guidance? 85% (34) strongly agreed or agreed, together with 3 individual responses in support.
- Do you agree that the Council's conditions for drivers, operators and vehicles be revised and kept up to date? 85% (34) strongly agreed or agreed. These have been updated and added as Annexes to the policy.
- Do you agree that the council's guidelines relating to the relevance and treatment of convictions for new and existing drivers be kept relevant and up to date? 100% (40) strongly agreed or agreed. The updated guidelines have been added as an annex to the policy.

Good practice – consultation in favour – will be introduced

- Do you agree that all licensed drivers should undertake training on equalities, child sexual exploitation, safeguarding and disability awareness? 77.5% (31) strongly agreed or agreed. Training will be included in the policy.
- Should the Council include within the policy a code of conduct for licensed drivers and operators? 90% (36) and 1 individual responded Yes. A code of conduct section features within the policy. .
- Should the Council introduce a local knowledge test for new drivers? 67% (26) responded Yes. This will be introduced and reflected in the policy.
- Should the Council introduce a basic assessment of English language and arithmetic for new drivers? 90% (36) responded Yes. This will be introduced and reflected in the policy.
- The Health Act 2006 prohibits smoking in vehicles. Should the Council extend this to electronic cigarettes and vaping? 82.5% (33) and one individual responded Yes. This has been reflected in the policy and conditions.
- Following an accident, do you agree that a vehicle should be inspected and/or submitted to the testing station to ensure it is safe to drive before the plate is re-issued? 72.5% (29) responded Yes. This will be reflected in the policy and conditions.
- Should the Council introduce a maximum age policy at first application with HDC for licensed vehicles? 62.5% (25) responded Yes, 30% (13) suggesting a maximum age. (37.5%) (15) responded No, Taking into account the survey responses, individual responses and an average of the age suggestions the policy will include a maximum age on first application of seven years. This has been reflected in the policy and conditions.
- Should the Council introduce a maximum age policy at renewal with HDC for licensed vehicles? i.e. the maximum age a vehicle can hold a licence. 67.5% (23) responded Yes, 30% (12) suggesting a maximum age. 42.5% (17) responded No. Taking into account the above responses, individual responses and an average of the age suggestions the policy will include a maximum age on renewal of twelve years. This has been reflected in the policy and conditions.
- Do you agree that the Council should not licence any Private Hire vehicles that look like Hackney Carriage Vehicles? 72% strongly agreed or agreed. This will be reflected in the policy and conditions.
- Should all Hackney Carriage vehicles have signage stating 'Licensed Hackney Carriage' and bear the Council's logo? 80% (32) responded

Yes. This will be reflected in the policy and conditions. 20% responded No, together with one individual comment of 'no, unless free of charge'

- Should all Private Hire vehicles have signage stating 'Private Hire Vehicle – Insurance invalid unless pre-booked with operator' and bearing the Council logo? 61.54% (24) responded Yes, 38.46% (15) and 1 individual responded No. Alternative wording of 'No booking – no ride' has been proposed for consideration
- Do you agree that operators should have a documented complaints procedure that can be made available to the Council upon request? 87.5% (35) strongly agreed or agreed. This will be reflected in the policy.

Good practice – consultation in favour – will be introduced

- Should Private Hire vehicles be permitted to use magnetic signage instead of fixed signage? 57.5% (23) responded yes, together with 2 individual responses, 42.5% (17) responded No. The Council has taken into account the comments received, and has also considered other factors such as loss, theft misuse and vandalism to vehicles. It is therefore proposed that the Council will be introducing this form of signage on 1st November 2018, but will undertake proportionate enforcement to ensure where magnetic signs are chosen they are used

Good practice – consultation not in favour – will not be introduced

- Should all licensed drivers be required to hold a first aid certificate? 62.5% (25) and 1 individual responded No. This will not feature in the policy.
- Should the Council require CCTV in all licensed vehicles? 65% (26) and 2 individuals responded No. This has been reflected in the policy and conditions.
- Should all Hackney Carriage vehicles be the same colour? 67.5% (27) responded No. 32.5% (13) and 1 individual response responded Yes. A coloured livery will not be recommended by officers to feature in the policy.

No overall consensus - will not be introduced.

- Should the Council change from a single set fee for an operator's licence to a sliding scale of fees based upon the number of vehicles operated? 52.5% (21) responded Yes, 47.5% (19) and 2 individuals responded No. Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 only allows for the recovery of costs associated with the issue and administration of the licence. The number of vehicles is considered to be immaterial and for this reason it is proposed that the Council continues its current practice of a one fee.

Consultation in favour – to be considered as a separate exercise

- Do you consider there is a need for the Council to limit the number of Hackney Carriage vehicle licences granted within the district? 57.5% (23) responded Yes. A demand survey will firstly need to be undertaken and for this reason cannot be incorporated into the policy at present. However the Council has noted the result of the survey.

- 7.6 Having considered the responses to the consultation exercise, clearly respondents agree that the Council should have an overarching policy document that reflects current legislation and guidance that is relevant and kept up to date. A number of other documents have been included as annexes to the policy including driver, vehicle and operator conditions, hackney carriage

byelaws, private hire plate exemptions and guidance relating to the relevance and treatment of convictions.

8. LEGAL IMPLICATIONS

- 8.1 Legal implications may arise as a result of non-compliance with legislation, leaving us open to challenge and the possibility of costs being awarded against the Council. This overarching policy will state the way in which the Council will undertake its statutory duties. The Council has consulted with a taxi licensing specialist in the drawing up of the final policy.

9. RESOURCE IMPLICATIONS

- 9.1 There will be a staff resource implication for completion of the work to be undertaken and its implementation. It will require the set-up of differing processes and communication with the trade, but once in place should generate efficiencies. The changes proposed will be met from within existing resources.
- 9.2 All fees and charges associated with taxi licensing must be self-financing and on a cost recovery basis only. Any changes determined as a result of this report will impact upon fees and charges. Some costs may be absorbed within licence fees, but others will need to be borne by the applicant. As methods of implementation and procedures are still to be determined, a review of fees and charges mid-term through the financial year is likely.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 The actions proposed will redefine and determine our position within the market going forward and will provide an easily accessible overarching document setting out our policy on taxi matters.

11. LIST OF APPENDICES INCLUDED

Appendix A – Policy and conditions

- Annex 1 - HC & PH driver conditions
- Annex 2 - HC & PH Vehicle conditions
- Annex 3 - Plate exemption conditions
- Annex 4 - Private Hire operator conditions
- Annex 5 - Stretch Limousine conditions
- Annex 6 - Hackney Carriage byelaws
- Annex 7 - Relevance of convictions

Appendix B – Summary of individual responses received

Appendix C – Results of on-line survey

BACKGROUND PAPERS

LGA/loL Taxi & PHV licensing criminal convictions policy – April 2018

Various existing documents relating to conditions for drivers, vehicles and operators, byelaws, plate exemptions and guidelines relating to the relevance and treatment of convictions.

CONTACT OFFICER

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Huntingdonshire District Council

Hackney Carriage and Private Hire Licensing Policy

Reviewed October 2018

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7Definitions	
Applicant	Is a person or business who has submitted an application for either a grant or renewal of a licence
Assistance Dog	Is a dog which is trained to assist people with disabilities to help them with their day to day life
Authorised Council Officer	A Council Officer who is authorised by the Council to exercise powers and duties conferred by legislation
Badge	Issued to all licensed drivers and must be worn when working as a licensed driver
Byelaws	Locally adopted laws applicable to hackney carriage proprietors and drivers, breach of which is a criminal offence
CoC	Certificate of Compliance
Conditions	Mean the conditions of licence applied by the Council to a driver's licence, an operator's licence or a vehicle licence.
Date of First Registration	Means the date shown as the date of first registration on the vehicle's V5 logbook issued by DVLA
DBS	Disclosure and Barring Service

Comment [AC(1)]: Expanded for clarity

DfT	Department for Transport
Door Stickers	Door stickers which must be permanently affixed to doors of vehicles, displaying the Huntingdonshire District Council logo and suitable wording to differentiate between private hire and hackney carriage vehicles
Driving licence	A full GB driving licence issued by DVLA or EEA driving licence or acceptable equivalent as defined by DVLA or appointed agency.
DVLA	Driver and Vehicle Licensing Agency
DVSA	Driver and Vehicle Standards Agency (which replaced VOSA in 2014)
Fare Card	Is a card which must be displayed in vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and soilage charge
Hackney Carriage Vehicle Licensed Driver	A vehicle licensed under the 1847 Act commonly referred to as a taxi A driver licensed under the 1847 Act to drive a hackney carriage vehicle or under the 1976 Act to drive a private hire vehicle.
Licensed Vehicle	Is a vehicle which is licensed under the 1847 Act as a hackney carriage or licensed under the 1976 Act as a private hire vehicle
Licence Plate	The plate which licensed vehicles must display which shows the licence number, the maximum amount of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle.
Licensing and Protection	Is the committee which determine licensing matters as set out in the Council's constitution
Operator	The business which invites and accepts bookings for private hire work
Plying for hire	A hackney carriage which is travelling and available for hire by responding to a request from a prospective passenger
Private Hire Vehicle	A vehicle licensed under the 1976 Act
Proprietor	Is the registered owner or part owner of a vehicle
PSV	Public Service Vehicle
Road Traffic Acts	Including all associated legislation
Standing for hire	A hackney carriage which is stationary at a hackney carriage rank or elsewhere and is available for hire by a prospective passenger
Taximeter	Is the device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. Fitted in all hackney carriage vehicles and some private hire vehicles
The 1847 Act	The Town and Police Clauses Act 1847 and the provisions within
The 1976 Act	The Local Government (Miscellaneous Provisions) Act 1976 and the provisions within
The Council	Means Huntingdonshire District Council
The Controlled District	Boundary area of a local authority which has adopted the provisions of the 1976 Act
The Equality Act	Means the Equality Act 2010
The Licensing Authority	Means the licensing function within Huntingdonshire District Council
This Policy	Is this policy document and annexes.
WAV	Wheelchair Accessible Vehicle

Licensing policy status

This policy will take effect from 1 January 2019 and will override and supersede all existing Council policy and guidance in relation to Hackney Carriage and Private Hire Licensing. The Authority expects all licence holders to comply with its terms immediately, but it is acknowledged that certain provisions may place financial obligations on existing licence holders and accordingly the Authority is prepared to permit a transitional period for certain aspects of this policy and attached conditions during which time necessary changes must be made.

The published policy will be made available on the Council's website and at the Council's offices at Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN, during office hours.

Section 1 - Introduction

Policy Purpose, Status and Scope

- 1.1 This document sets out Huntingdonshire District Council's Hackney Carriage and Private Hire Licensing Policy on the licensing of Hackney Carriage and Private Hire Drivers, Vehicles and Private Hire Operators. The purpose of the policy is to provide guidance and information on the general approach and expectations taken by Huntingdonshire District Council when administering its functions within the legislative framework of the 1847 and 1976 Acts.
- 1.2 This policy also sets out the legislative framework administered by the Licensing Authority in respect of such licences, however it is not a comprehensive statement of the law. This policy does not override the legal requirements embodied in any legislation in force at the time of adoption or as may be enacted after the adoption of the policy. Where any subsequent changes occur to applicable legislation or its interpretation by the courts that conflict with this policy, the conflicting elements will not apply and will be amended at the earliest opportunity.
- 1.3 The legislation places a duty on the Council as the Licensing Authority for licensing Hackney Carriage and Private Hire vehicles, drivers and operators. Hackney Carriage and Private Hire Vehicles play a vital and integral role in an integrated public system and the importance of a thriving Hackney Carriage and Private Hire trade to the growth and prosperity of Huntingdonshire District's local economy is recognised.
- 1.4 The Licensing Authority understands the importance and responsibility it has in ensuring that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that drivers and operators are "fit and proper" (i.e. safe and suitable) to undertake the role. However the safety and welfare of the public is the overriding principle that will be considered when matters are dealt with under the policy.
- 1.5 This policy is intended to put the Council's licensing requirements into context for all parties in a clear and transparent manner.

Aims

- 1.6 The Department for Transport Best Practice Guide states the aim of the Licensing Authority is to protect the public. In this policy, the Licensing Authority seeks to carry out its licensing functions with a view to promoting the following aims:
 - The safety and protection of the public; to include driver conduct and performance, consideration of their history of convictions cautions and warnings, knowledge of the area, and a general level of competency to be a licensed driver to include English, maths and legislation, along with health and fitness to fulfil the role of a licensed driver and the suitability of operators.
 - Vehicle specifications, safety, comfort and access; to include appearance and accessibility and the suitability of the vehicle proprietor.
 - The prevention of crime and disorder: including working with the Police and other relevant agencies, operation of planned and unplanned compliance and enforcement programmes.
 - The protection of children and vulnerable persons at risk from harm; including safeguarding requirements and training, co-operation with other agencies, robust reporting and determination of fit and proper persons.
- 1.7 This policy recognises that the licensing function is only one means of securing the delivery of the above aims. The Licensing Authority will therefore continue to work in partnership

with the trade, its neighbouring authorities, the police, Government bodies, other enforcement agencies, local businesses and local people toward the promotion of the aims.

- 1.8 Each decision, application or enforcement measure will be considered on its own merits, using the policy as a main guideline. However, where and if considered necessary, the Licensing Authority can depart from the policy, but will provide clear and compelling reasons for doing so.
- 1.9 This policy is not a comprehensive statement of the law and applicants should always obtain their own legal advice if they are unsure of the requirements of legislation.

Powers and duties

- 1.10 This policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 which places duties on the Council to carry out its licensing function.
- 1.11 In exercising its discretion in carrying out its regulatory functions, the Licensing Authority will have regard to this policy document and the aims set out above.
- 1.12 In undertaking its licensing function, the Licensing Authority will also have regard to other relevant legislation including:
 - Transport Act 1985 and other associated Road Traffic Acts
 - Road Vehicles (Constructions and use) Regulations 1986
 - Crime and Disorder Act 1998
 - Data Protection Act 1998
 - Human Rights Act 1998
 - Environmental Protection Act 1990
 - Equality Act 2010
 - Health Act 2006 and Smoke-free Regulations 2006/7
 - Immigration Act 2016
 - Policing and Crime Act 2017

Consultation and Revision

- 1.13 This policy and annexes will be kept under review and revised as appropriate, in any event, not less than five years from the date of its last adoption. The Authority will consult, where appropriate, on proposed revisions, to reflect changes in case law and legislation. The Licensing and Protection Committee may make any amendments to the policy and any annexes. Sections may be updated and amended without the whole policy being consulted upon.
- 1.14 Consultation will normally take place with the following:-

Huntingdonshire Hackney Carriage Representatives
Taxi and private hire drivers and proprietors
Huntingdonshire private hire operators
District and Parish councillors
Cambridgeshire County Council Passenger Transport
Local Children's Safeguarding
Cambridgeshire Constabulary – Chief Constable of Police

Huntingdon Chamber of Commerce
Neighbouring Licensing authorities
General public

The above list is not exhaustive and consultations may include some or all of the above along with other persons, bodies or agencies as the Council considers appropriate

- 1.15 The consultation will normally appear on the Council's website advising the nature of the consultation and period.

Implementation

- 1.16 This policy will take effect from 1 January 2019 and will override and supersede all existing Council policy and guidance in relation to Hackney Carriage and Private Hire Licensing. The Authority expects all licence holders to comply with its terms immediately, but it is acknowledged that certain provisions may place financial obligations on existing licence holders and accordingly the Authority is prepared to permit a transitional period, for certain aspects of this policy and attached conditions during which time, necessary changes must be made.
- 1.17 The published policy will be made available on the Council's website and at the Council's offices at Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN, during office hours.

The Licensing Regime

- 1.18 Some activities are considered to be of such a risk to the safety of members of the public that law requires an approval to be in place in the form of a licence to regulate that activity. This is the case for the Hackney Carriage and Private Hire trade, who make themselves available for hire to transport members of the public to their chosen destination in return for reward. The legislation creates five types of licence:
- Hackney carriage driver
 - Private hire driver (note that this Authority issues a dual Hackney Carriage and Private Hire driver's licence which covers both requirements)
 - Hackney carriage proprietor (or vehicle)
 - Private hire proprietor (or vehicle)
 - Private hire operator
- 1.19 A journey not carried out in accordance with the correct licences is not only illegal, but may invalidate the insurance held by the driver/proprietor and could have serious consequences for all parties involved should an accident occur.
- 1.20 A Hackney Carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means it can stand at ranks and be approached by members of the public, or be hailed in the street when plying for hire by members of the public.
- 1.21 Private Hire Vehicles must have no more than 8 passenger seats and must be booked in advance by customers through an operator and cannot stand or ply for hire in the street.
- 1.22 Vehicles that are required to carry more than 8 passengers for hire and reward are classed as Public Service Vehicles (PSV) and the Licensing Authority has no involvement in the licensing of these vehicles or drivers which are the responsibility of the Traffic Commissioners.
- 1.23 Any person who carries out Hackney Carriage or Private Hire work without the correct licences will be breaking the law and committing an offence.
- 1.24 In order to be licensed correctly the licenses must 'match', i.e. issued by the same local authority. A Hackney Carriage vehicle and the driver must be licensed by the same local authority. For Private Hire, the operator, driver and vehicle must be licensed by the same authority. This does not prohibit the operator subcontracting a booking to another operator

Comment [AC(2): Effects case law relating to insurance

Comment [AC(3): Amended for clarity

Comment [AC(4): Added for clarity

Comment [AC(5): Added for clarity

Comment [AC(6): Paragraph amended for clarity and to reflect the law

licensed by a different local authority.

1.25 The legislation places a duty on the local authority to only licence those who are considered to be 'fit and proper'. The term 'fit and proper' is not defined in legislation but 'safe and suitable' is considered an acceptable interpretation and is used by the Council.

Comment [AC(7): Paragraph amended for clarity

1.26 The legislation allows local authorities to set their own conditions, requirements, application processes and fees.

1.27 The aim of the legislation is to ensure that the public are protected and have reasonable access to these services. Public safety is paramount and has a wide scope, including public safeguarding, protecting vulnerable persons and public wellbeing. To achieve this aim and to meet our obligations, the Council have conditions and processes in place to promote well run, safe and responsible businesses.

Comment [AC(8): Reworded to emphasise that public safety is the paramount consideration

Information sharing

1.28 In the interests of protecting public funds, the Council reserve the right to use any information or data submitted as part of an application, renewal, administration or compliance and enforcement process for the prevention and detection of fraud and crime.

1.29 **Data Protection Act 2018 Sharing your information**

Comment [AC(9): Wording altered to cover change in legislation

We only keep your information as long as necessary, for some items this will be dictated by law. You can find out more by looking at the council's Retention Policy on the website.

We do not routinely process any information about you outside the European Economic Area (EEA), except in rare cases, where we use all appropriate safeguards.

Huntingdonshire District Council is a registered Data Controller with the Information Commissioners Office.

You can find out more about how we protect and handle your data by visiting the Council's Privacy Notice page on the web site www.huntingdonshire.gov.uk/privacy. If you have a query regarding your rights please contact the Data Protection Officer who can be contacted by emailing infogov@3csharedservices.org or you can write to the Council and mark your letter for the attention of the Data Protection Officer. Alternatively you can call 01480 388388.

You have the right to lodge a complaint with the Information Commissioner's Office (ICO) should you believe any part of this statement to be unlawful. .

1.30 **Partnership working:** The Licensing Authority works in partnership with many other enforcement agencies such as the Police, HM Revenue and Customs, the Home Office, DVSA, Department of Work and Pensions, border agencies, benefit fraud including the National Anti-fraud network register of suspended, revoked or refused licence applications and other local authorities etc. The Council will share information with other departments or regulatory bodies where appropriate and in line with Data Protection legislation. The Council is legally required to provide information if requested, pursuant to a criminal offence, or to detect fraud, or immigration offences.

Decision making

1.31 The Licensing Authority aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders, including the provision of guidance. The Licensing Authority will be mindful of the needs of the applicant and licence holder, but this will be balanced against the over-riding duty that the Licensing Authority has to protect the safety and welfare of the public.

Comment [AC(10): The Council can provide some guidance but cannot give advice. Any advice should be obtained by the applicant/ licensee at their own expense

1.32 The Council has delegated its taxi licensing functions to the Council's Licensing and Protection Committee which has, in turn, further delegated authority to the Licensing and Protection Sub-Committees and to Officers of the Council who will determine applications and licensing decisions in accordance with this policy.

1.33 Whilst officers and the relevant committees will in the majority of cases follow the policy, there may be specific circumstances that require a departure from the policy. In such circumstances, the reasons for departing from the policy will be made clear.

1.34 The Licensing Authority has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions. Where the legislative provisions allow, parties aggrieved by a decision have a right of appeal to the Magistrates' Court. Appeals are the responsibility of the applicant/licensee and must be commenced within the statutory timescales which will be explained on any decision notice issued by the Council.

Comment [AC(11): Reworded for clarity

Immigration Act 2016 – implications for all licences

1.35 The Council has a statutory obligation to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licences will be undertaken in accordance with the requirements of the Immigration Act 2016 with due regard to Home Office guidance.

1.36 The Council has checks in place to ensure compliance with the Act, and will liaise where required with relevant Home Office departments. If however, a licence has been issued incorrectly for whatever reason, the licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the council within 7 calendar days.

Comment [AC(12): Reworded for clarity. The Council has a statutory duty.

1.37 A licence may be suspended or revoked or refused to be renewed if, since the grant of the licence, where there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.

1.38 Proprietors and operators also have an obligation to ensure that they only utilise persons who have the right to work in the UK. Failure to observe this obligation, or to provide due diligence checks, will be subject to enforcement action by the appropriate Home Office department, which may result in a civil penalty or imprisonment.

Policing and Crime Act 2017

1. The Council will have regard to any guidance issued by the Secretary of State regarding the protection of children, and vulnerable individuals who are 18 or over, from harm.

Comment [AC(13): Reworded for clarity. The requirement is to 'have regard to'

Application procedures

2.1 Applicants must fully complete the specified application forms and provide the relevant accompanying paperwork required and fee before an application will be accepted. Where supporting documentation is required to be submitted, only the original document will be accepted, not photocopies or photographs of the original. Applicants who deliberately fail to declare or who make false statements on the application form or during the application process, may be subject to refusal of a licence and legal action if it constitutes fraud.

2.2 The Licensing Authority will consider all applications on their own merits. An application will not be processed or considered until all documentation, fully completed has been received and the relevant fee (if applicable) has been paid.

Comment [AC(14): Reworded for clarity

2.3 The responsibility for applying or renewing a licence rests solely with the applicant/ licence holder prior to the expiry date of the licence.

2.4 Bad, foul or abusive language by applicants or licensees will not be tolerated. The Licensing Authority will not allow any member of staff to be subjected to threatening, abusive, intimidating or violent behaviour either directly, by telephone or other methods of communication. In any of these circumstances, the Licensing Authority has the right to refuse to process an application. Any person exhibiting any of the above behaviours will have the application refused or licence revoked.

Grant

2.5 Licences will normally be granted for the periods defined in legislation; however the Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstances.

Renewals

2.6 All renewal applications must be submitted before the expiry of the licence. Late or incomplete applications for renewals may render the driver, vehicle or operator unlicensed for a period of time during which licensed activities cannot be undertaken. In most cases, once a licence has lapsed, it will not be eligible to be renewed, and a new application will be required. In those circumstances, all the formalities required for a new application will be required. This would mean that any grandfather rights would be lost.

Comment [AC(15): Reworded for clarity and to reflect the correct legal position

Comment [AC(16): Reworded for clarity and to reflect the correct legal position

Section 3 - Vehicles

General provisions for hackney carriages and private hire vehicles

Definitions, Specifications and Conditions

- 3.1 The main difference between Hackney Carriage and Private Hire vehicles is that a Hackney Carriage can be hailed in a public street or hired from a taxi rank. Private Hire vehicles must be pre-booked in advance through a licensed Private Hire Operator; they cannot stand or ply for hire. Should a private hire vehicle driver accept a fare which has not been pre-booked through an operator he is committing an offence. Anyone being conveyed in a Private Hire vehicle which has not been pre-booked may not be covered by the drivers insurance.
- 3.2 Local Licensing Authorities have a wide range of discretion over the types of vehicle they licence as Hackney Carriage and Private Hire Vehicles. Government guidance recommends that Licensing Authorities adopt a principle of specifying as many different types of vehicle as possible, leaving it open to the trade to put forward vehicles of their own choice that can be shown to meet criteria.
- 3.3 The Licensing Authority will only licence a Hackney Carriage or Private Hire Vehicle that complies with European Whole Vehicle (M1) type approval, M1 Low Volume Type Approval. **UK National Small Series Type Approval and Individual Vehicle Approval (IVA).**
- 3.4 A vehicle will only be licensed as a Private Hire Vehicle if it is not of an appearance or design that is considered likely to lead the public to think it is a licensed purpose built Hackney Carriage Vehicle.
- 3.5 On the grant or renewal of a Hackney Carriage or Private Hire vehicle licence, the Licensing Authority can attach such conditions as it considers reasonably necessary. These vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal conditions of vehicles. Conditions for hackney carriage and private hire vehicles can be found at Annex 2
- 3.6 All vehicles presented to the Licensing Authority for licensing and all vehicles whilst licensed must comply with the Authority's current policy, conditions and vehicle testing standards specification.
- 3.7 Licensed vehicles can only be driven by licensed drivers (except when the vehicle is being tested by a garage mechanic, in these circumstances a private hire vehicle must be driven on "trade plates").

Comment [AC(17): Reworded for clarity

Comment [AC(18): Reworded for clarity

Comment [AC(19): Words added for clarity

Smoking (including electronic cigarettes and vaping)

- 3.8 All licensed vehicles must comply with the requirements of the Health Act 2006. Licensed vehicles must display a no smoking sign in the vehicle which is clearly visible to passengers. It is an offence to smoke or permit a person to smoke in a licensed vehicle at any time, even when being used by the driver for any purposes other than a paid hiring. This policy defines smoking to include the smoking of electronic cigarettes and vaping products.

Signage, Livery and Advertising

- 3.9 It is essential that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire Vehicle.
- 3.10 Hackney Carriage Vehicles must have signage on the rear passenger doors of the vehicle bearing the Huntingdonshire District Council logo and the words 'Licensed Hackney Carriage'. They must also display a blue identification plate on the rear of the vehicle and a blue windscreen notice bearing the licence plate number. They will have a roof sign on the top of the vehicle
- 3.11 Private Hire Vehicles must have signage on the rear passenger doors of the vehicle bearing the Huntingdonshire District Council logo and the words 'Private hire vehicle – insurance invalid unless pre-booked with operator'. They must also display a yellow identification plate on the rear of the vehicle and a yellow windscreen notice bearing the licence plate number. They will not have a roof sign or any signs that include the words 'taxi', 'cab', 'taxicab' or 'for hire'.
- 3.12 Signage must be either permanently or magnetically fixed to the vehicle door. The external licence plate must be securely fixed to the outside of the vehicle, no temporary fixing is allowed. All signage must be displayed on the vehicle at all times when in use as a Private Hire. Hackney carriage signage and livery must be displayed on the vehicle at all times whether in use or not. The signage and plates will be provided by the Licensing Authority for a fee.
- 3.13 All plates remain the property of the Council. All expired plates must be returned to the Council.
- 3.14 Further details of signs, notices and advertising on vehicles can be found within the Hackney Carriage and Private Hire Vehicle licence conditions. These can be found in Annex 2.

Age policy

- 3.15 The Council has a maximum age policy restricting the maximum age on the grant of a Hackney Carriage and Private Hire vehicle on **first application to five years**. There is no upper age limit for when we would no longer licence a vehicle as long as the vehicle meets the relevant criteria.

Insurance

- 3.16 It is the responsibility of proprietors, operators and drivers to ensure that they are properly insured at all times. If drivers work for multiple operators, all parties must ensure that appropriate and valid insurance is in place to avoid an inadvertent criminal offence.
- 3.17 Applications for the grant or renewal of a vehicle licence must ensure the Insurance cover is for the use of the vehicle for either hackney carriage or private hire in line with the licence applied for. The vehicle proprietor and the driver must ensure that valid insurance is maintained at all times during the licensed period. It is considered best practice for proprietors and or drivers to keep copies of expired insurance policies for a reasonable period of time in case of any retrospective claims.

Safety equipment

- 3.18 All licensed vehicles must have a suitable and efficient fire extinguisher and first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date

Comment [AC(20): Reworded for clarity and to reflect the consultation response was in favour of magnetic signage, it is less secure and can easily be lost or stolen. It could also be subject to misuse. However neighbouring authorities use magnetic with very few reported problems, Counter view from trade is that vehicles parked at night with fixed signage are a target for vandalism and theft

Comment [AC(21): Reworded for clarity and to reflect the correct legal position

and carried in such a position in the vehicle as to be readily available for immediate use in an emergency. Both the fire extinguisher and first aid kit must be clearly marked with the licensed plate number. All equipment must be stored in a safe and secure manner within the vehicle

Comment [AC(22): Reworded to tie in with vehicle condition

CCTV in licensed vehicles

- 3.19 The Licensing Authority recognises the importance of driver and passenger safety and encourages ways to reduce risks such as prepayment of fares, driver screens, radio link schemes and CCTV surveillance systems.
- 3.20 The Licensing Authority does not require enhanced security or CCTV measures to be in vehicles at this time. However the Authority wishes to support the trade in taking sensible measures to protect the drivers and passengers in licensed vehicles and does recognise that there are benefits to the trade and public where CCTV is installed in licensed vehicles. It is therefore left to the judgement of the proprietors, drivers and operators to determine the taking of such measures.
- 3.21 Where drivers, proprietors and operators have considered it appropriate to install CCTV in their vehicles as a safeguarding measure, they must notify the council prior to installation. They must be registered with the ICO and comply with all aspects of data protection and CCTV codes of practice. Further information can be found on the following link.<https://ico.org.uk/>
- 3.22 CCTV must be professionally installed to ensure no interference with other equipment, in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers, or affect any other safety system or in any way breach the motor vehicle construction and use regulations. It must be regularly checked and maintained, be openly overt and the vehicle must display the required signage.
- 3.23 CCTV must not be used to record conversations of the travelling public as it is highly intrusive. Some systems have a driver panic button which if activated does record sound, this should only be used in extreme circumstances, such as in response to any disagreements or arguments between driver and the passengers, any situations of verbal abuse or any threat of physical violence.
- 3.24 The Licensing Authority reserves the right to amend CCTV specification from time to time as the need arises, having regard to changes in technical standards, case law, national policy or any other circumstances that make it reasonable to amend the current specification.

Comment [AC(23): Reworded for clarity

Maintenance of vehicles

- 3.25 Licensed vehicles have high usage and mileage and it is in the public interest, as well as the drivers, to ensure that vehicles are properly maintained.
- 3.25 The Council expects commitment from drivers and operators to ensure that a planned preventative maintenance programme is undertaken on vehicles.

Vehicle testing

- 3.27 The Licensing Authority must be satisfied that vehicles which are licensed by them are safe to operate as a hackney carriage or private hire vehicle.
- 3.28 Prior to licensing any vehicle, it must have passed an enhanced test at the Council's appointed testing station.

Comment [AC(24): Reworded for clarity

- 3.29 Once a vehicle has passed this enhanced test and provided all required documentation, a Certificate of Compliance (CoC) will be issued. A CoC replaces the need for an MOT but an MOT may also be issued
- 3.30 The licensing authority may appoint a currently registered MOT station(s) as an Appointed Testing Station(s) who will conduct the tests on its behalf. The authority reserves the right to limit the number of approved garages.
- 3.31 It is the vehicle proprietor's responsibility to ensure all testing and application procedures are adhered to. Proprietors and or drivers must make sure they organise the tests sufficiently in advance to ensure that the vehicle remains compliant with the vehicle testing and licensing requirements set out in the conditions.
- 3.32 Licensed vehicles that fail an authorised examination and test and are deemed non-compliant by the examiner will result in the vehicle proprietor being invited to re-test the vehicle. If a licensed vehicle fails, then it must not work until a compliance test has been passed. Re-tests will only be undertaken in accordance with DVLA M.O.T retest procedures see the website; - <https://www.gov.uk/getting-an-mot/retests> (updated May 2018).

Accidents/Accident replacement vehicles

- 3.33 Proprietors of licensed vehicles are required to inform the Authority as soon as possible and at least within 7 calendar days, of any accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers carried. Failure to report an accident within the given timeframe may lead to the suspension or revocation of a licence. Proprietors must also present the vehicle to the Licensing Team for inspection, if requested.
- 3.34 A Council accident report form must be completed and submitted it to the licensing team,
- 3.35 In the case of a replacement vehicle for a temporary period following an accident, vehicles must first be passed as fit for service by the Council's appointed testing station and must meet all the other requirements and standards applicable. Depending upon the nature of the damage, the Licensing Authority retains the right to have the repaired vehicle inspected at the testing station or examined by a Licensing Officer at an officer's discretion.

Vehicle inspections

- 3.36 Licensed vehicles must at all times, be kept in a safe, tidy and clean condition. Compliance with the vehicle specifications and conditions of licence are essential and will be enforced by periodic and/or random vehicle inspections by authorised officers of the Council.

Comment [AC(25): Reworded. No definition of efficient

Taximeters and fares

- 3.37 All hackney carriages licensed by this Authority must have a working taximeter fitted in the vehicle. The meter must be calendar controlled and set to a rate which never exceeds the current tariff as set by the Licensing Authority.
- 3.38 The taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is compliant. The certificate issued must be available for inspection and the vehicle seals must be intact at any time that the vehicle carries a licence plate, except when at an approved installers premises.
- 3.39 Meters must meet the London Taxi and Private Hire Specification.
- 3.40 A table of authorised fares must be displayed in each vehicle so that it is easily visible to all

Comment [AC(26): Reworded for clarity and to reflect the correct legal position

hirers.

3.41 When a hackney carriage is undertaking a journey within district, the fare demanded cannot be more than that shown on the taximeter. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged. If the journey commences at a hackney carriage stand, but will end outside the district, that must be charged at the metered rate unless an agreement was made for a higher charge before the hiring commenced. The charges levied by hackney carriage vehicles operating outside of Huntingdonshire District Council area, do not have to be subject to the licensing authority's control and form a private contract between the hirer and the operator.

Comment [AC(27): Reworded for clarity and to reflect the correct legal position

3.42 The Licensing Authority cannot set fares for private hire vehicles and these are a matter for agreement between the operator and the hirer.

Comment [AC(28): Reworded for clarity and to reflect the correct legal position

Transfer of ownership of the vehicle

3.43 If a proprietor wishes to transfer ownership of a licensed vehicle, they must provide full details of the new owner of the vehicle as soon as practically possible, and in any case within 7 calendar days. A proprietor who fails to give such notice, without reasonable excuse, is guilty of an offence.

Accessibility and Equality

3.44 All drivers will be required to be trained in accessibility and equality as a part of the application process. A provider will be determined and further details will be added to this section.

3.45 The Licensing Authority takes all complaints of discrimination seriously and will have due regard to its duty to eliminate discrimination, along with the provisions of the Equality Act 2010, when considering the fitness of an individual to hold a Hackney Carriage or Private Hire licence, be it driver, vehicle or operator.

3.46 All new hackney carriages above plate 44 must be wheelchair accessible vehicles (WAV's) and are designated as such. The Licensing Authority will apply any specification for such vehicles as may be provided by regulations under the Equality Act 2010. There is not the same requirement for private hire vehicles to be wheelchair accessible. Existing hackney carriage plates 1-44 also retain protected grandfather rights to use saloon style vehicles provided the licence remains in continuous use. If a renewal application is made late and the licence lapses, the grandfather rights will be lost and a new application for a new WAV vehicle will need to be made.

Comment [AC(29): Reinforces the need for timely renewal applications

3.47 As Hackney Carriages pick up passengers from ranks and the roadside, all new licensed Hackney Carriages must be side **or rear** loading.

3.48 Licensed drivers must not impose extra charges for conveying persons with disabilities or assistance dogs.

3.49 The Equality Act 2010 places certain duties on licensed drivers to provide assistance to people in wheelchairs and to carry them safely. There are similar requirements on drivers in relation to the passengers with an assistance dog. Drivers or operators cannot charge extra or refuse to carry such passengers unless they have applied for and been issued an exemption certificate. Further information on exemption certificates can be found in sections 3.54 – 3.64.

3.50 Drivers must be appropriately trained in the use of relevant belts and other restraint locking mechanisms to ensure the safety of their passengers in the vehicle. It is the driver's responsibility to ensure that they understand fully how to use the equipment.

Exemptions, weddings and funeral vehicles

- 3.51 The DfT issue guidance regarding the types of activities that may require licensing. In general, the following are not currently considered to require licensing. However should DfT guidance change, this authority will reserve the right to amend the information and guidance within the policy
- Child minder vehicles
 - Care transport workers
 - Volunteers
 - Ambulances
 - Courtesy Cars

3.52 Vehicles owned by funeral directors that are used wholly or mainly for the purposes of funerals are exempt from the requirement to be licensed.

3.53 Vehicles used in connection with a wedding are exempt from the requirement to be licensed.

Comment [AC(30): Reworded for clarity and to reflect the correct legal position

Private hire exemption to display licence plate etc

3.54 The displaying of the external identification plate on a licensed vehicle and a drivers badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to assist with public safety issues.

3.55 However there are occasions when the requirement to display an external identification plate may have the opposite effect in the terms of customer safety and could have commercial implications for the operating business. The display of local authority licence plates may also deter some corporate customers from using the service; and in some cases the identification of the vehicle as licensed may allow "high risk" passengers to more readily be targeted putting both them and the driver at risk.

3.56 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver's badge. The same legislation also allows Huntingdonshire District Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge. The ability to exempt a vehicle from displaying the licence plate only applies to private hire vehicles, and any authorisation from the Licensing Authority is vehicle specific.

3.57 It is not intended that a significant number of private hire vehicles licensed by the Council will be exempt from the council's requirement to display an external vehicle identification plate, however the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.

3.58 Applications for the exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met;

- a. Vehicle models must be either four door saloons, or five door estates or five door hatchbacks and people carrier type vehicles.
- b. Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as "S" and "E" Class Mercedes-Benz, 7 Series BMW, Lexus "GS" or "LS" models, Audi A8 Series, Jaguar, Rolls Royce and Bentley

saloons. (The highest specification executive type cars from other manufacturers may also be considered). This list is not exhaustive and consideration will be given on a case by case basis.

- c. The vehicle must at all times be in pristine condition with minimal defects, dents or blemishes to the external bodywork or internal trim and seating.
- d. The type of work to be undertaken must be “executive” in nature. This means that the vehicle is used specifically and exclusively to provide transport under a written contract to companies or individuals, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable. Proof of contract will be required as part of any request for plate exemption

Comment [AC(31): Reworded for clarity

- 3.60 Vehicles which have been issued with an exemption certificate must not be used for general day to day private hire work. Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.
- 3.61 Exempted vehicles must not display any form of advertisements, signage, logos, or insignias including advertising the operating company inside or outside the vehicle.
- 3.62 Operators and proprietors who wish to apply for an exemption certificate must apply in writing, pay the required fee and provide sufficient supporting documentation to establish the vehicle will be solely used for executive bookings. An exemption certificate will be vehicle specific. Applications for exemptions relating to a fleet of vehicles are not permitted.
- 3.63 There are extra conditions applicable to exempted vehicles, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these extra conditions, then these extra conditions shall prevail. The extra conditions can be found at Annex 3.
- 3.64 If an exemption certificate has been issued and the vehicle will no longer be utilised solely for executive type bookings, the certificate must be surrendered and returned to the council. If the vehicle is still licensed, it must then display the plate and door stickers as required by the conditions for private hire vehicles.

Stretched Limousines

- 3.65 Stretched Limousines are elongated saloon cars, generally used for private hire work and special occasions.
- 3.66 Limousine vehicles that are designed or adapted to carry 8 or less passengers and are used for the purpose of hire and reward are required to be licensed as private hire vehicles and all bookings must be made via a licensed operator.
- 3.67 These are specialist types of vehicles with their own set of special conditions, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then the specialist conditions shall prevail. The conditions can be found at Annex 5
- 3.68 The Council strongly recommends that anyone wishing to purchase and licence a limousine, contacts the licensing team prior to purchase, to ensure that the vehicle will meet the conditions. Applications will be treated on their individual merits.

Limitation of vehicle numbers

- 3.69 The legal provision on quantity restrictions for Hackney Carriages is set out in the Transport Act 1985, Section 16. Any limit imposed needs to comply with Part 12 of the Equality Act 2010 and any associated regulations in respect of the proportion of the taxi fleet accessible to disabled persons.
- 3.70 Huntingdonshire District Council has not set a limit for the number of Hackney Carriage vehicles it will licence but can reconsider if circumstances change. This ensures that Hackney Carriage and Private Hire vehicles are readily available for passengers in Huntingdonshire district. There are no powers for licensing authorities to limit the number of private hire vehicles.

Section 4 - Hackney Carriage and Private Hire Drivers

General

- 4.1 This Authority has a dual licence for both Hackney Carriage and Private Hire Drivers. The sections below therefore apply equally to Hackney Carriage and Private Hire Drivers unless indicated.
- 4.2 Licensed drivers provide an important public service. This Authority will not licence anyone to drive a Hackney Carriage or Private Hire vehicle unless it is satisfied that they are a fit and proper person and are not disqualified by reason of their immigration status.

On the grant or renewal of a Hackney Carriage and Private Hire Vehicle Drivers licence, the Licensing Authority can attach such conditions as it considers reasonably necessary. Conditions for Hackney Carriage and Private Hire Vehicle Drivers licences can be found at Annex 1.

- 4.3 This Authority generally grants Drivers licences for a duration of three years, although it may exercise discretion and issue a licence for a shorter duration if it considers this to be reasonable given the individual circumstances e.g. immigration status/ right to work in the UK.
- 4.4 If a licensed driver fails to submit a complete application to renew by the date of expiry of the licence, they will be required to apply as a new driver and meet all the requirements. The Council will only consider a late renewal in exceptional cases R (on the application of Exeter City Council) v Sandle [2011] LLR480, in which case the renewal date will be from the date of expiry of the previous licence.

Fit and proper

- 4.5 There is no specific definition of 'fit and proper' in legislation or case law, but as noted at paragraph 1.25 above, this Council uses the term "safe and suitable" to explain what is meant by fit and proper. In determining whether a person is safe and suitable, the Council will take account of all relevant matters including (but not limited to) documentary evidence, practical criteria and testing mechanisms.
- 4.6 Bad, foul or abusive language by applicants or licensees will not be tolerated. Behaviour of a rude or abusive manner at any stage of the application process will call into question an applicant's 'fit and proper' status and may result in their application being refused.

Comment [AC(32): Reworded for clarity

Suitability of driver

- 4.7 Licensed drivers will come into contact with vulnerable people, drivers are expected to assist passengers with luggage, shopping etc, they will be driving for prolonged periods of time, and will have access to sensitive information, therefore the council must fully assess an applicant's suitability prior to and after issuing a licence.
- 4.8 Consideration of safety and suitability includes consideration of the whole person; their character and patterns of behaviour and is not limited to incidents which occur whilst the driver is 'on duty'. Conduct or behaviour which may indicate that the safety and welfare of the public may be at risk will also be taken into account when assessing their safety and suitability. The onus is on the applicant or licensed driver to satisfy the Council that they are and remain a 'fit and proper' and safe and suitable person.

Comment [AC(33): Reworded to emphasise the concept of safety and suitability

Vehicle driver licences

- 4.9 Applicants must be over 18 years of age and must have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months. Exchangeable driving licences will also be accepted when a person has not resided in the UK for 12 months, but must be exchanged for a UK licence after 12 months residence.
- 4.10 This Authority requires drivers to notify the council of any significant changes which occur after their licence has been granted. This includes change of name or address, email address or telephone number, change of immigration status, changes in physical or mental health which may affect driving ability, all convictions cautions or warnings, DVLA penalty points, or any other matter which may question a driver's fit and proper status. This includes any actions taken by other licensing authorities.
- 4.11 All licensed drivers must wear their drivers badge whilst working as a licensed driver. Failure to comply is an offence under the 1976 Act and the byelaws. The driver's badge remains the property of the Council and all expired, surrendered or revoked badges must be returned.

Comment [AC(34): Reworded to reflect the correct legal position

Comment [AC(35): Reworded for clarity

Eligibility to live and work in the UK

- 4.12 This Authority will only issue licences to individuals who have a legal entitlement to live and work in the UK.
- 4.13 Proof of the right to live and work in the UK must be provided by the applicants in accordance with Immigration legislation. As a part of the application process, individuals are required to present original documentation for verification and copies will be made and retained on file. The Home Office has produced Guidance which details the documents that can be used. A link to the Guidance can be found here: <https://www.gov.uk/topic/immigration-operational-guidance>
- 4.14 If an individual is not a UK or EEA national then they will need to obtain permission to live and work in the UK.
- 4.15 Individuals may have a permanent or temporary right to live and work in the UK. Licences will not be issued for a period any longer than the permission given to live and work in the UK.
- 4.16 This Authority will work in conjunction with the Home Office or its appointed agents to ensure immigration offences are minimised. This Authority may exercise discretion to grant or renew a licence, or suspend or revoke an existing licence if an individual is found to be living or working in the UK without the relevant authorisation (driver and operator licences

granted after 1st December 2016 lapse if the right to remain or work in the UK is lost and no action is necessary on the part of the Council).

Comment [AC(36): Reworded to reflect the correct legal position

Disclosure and Barring Service (DBS), Convictions, cautions and other related matters

4.17 Under the Town and Police Clauses Act 1847, or under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976, a council may require an applicant for a licence to submit any information that they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.

4.18 An enhanced DBS certificate is a mandatory requirement for an applicant for a drivers licence and is an important element used by this Authority to ascertain whether or not the person is fit and proper to hold a licence.

Comment [AC(37): Reworded for clarity

4.19 An enhanced DBS check will be required upon application. The DBS check must be dated no more than two months prior to the application/renewal date. This check will detail any criminal convictions and cautions, including those that are spent and other relevant information which will be taken into account.

4.20 This Authority requires applicants to join the DBS Update Service.

4.21 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction would be regarded as 'spent' and would not normally require disclosure of that conviction. However the Act has been amended to add Hackney Carriage and Private Hire drivers to the list of 'excepted occupations'. This means that applicants must disclose all previous convictions for any offences, and there are no 'spent' convictions in relation to hackney carriage or private hire drivers. Only protected convictions or protected cautions can be withheld (see the application form for details).

Comment [AC(38): Reworded for clarity and to reflect the correct legal position

4.22 The existence of a criminal conviction, caution or warning does not necessarily preclude an applicant from obtaining a driver's licence. Conversely, the absence of any convictions or cautions does not mean that an applicant will be licensed. Each application will be determined on its own merits.

4.23 Existing licence holders must disclose all new convictions, cautions or warnings including driving convictions, police warnings and reprimands, cautions, community service orders, restraining orders, fixed penalties and any other matters to the licensing authority, in writing within 7 calendar days.

4.24 Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensee if there is a 'pressing social need'. This ensures that where there is a public protection risk, the police will pass information onto a regulatory body to allow swift actions to mitigate any serious safeguarding risk.

4.25 If it comes to the attention of the Council that a licensed driver has failed to notify the council of relevant matters which occur during the licence period, this will be taken particularly seriously. It shows a propensity towards dishonesty and questions the safety and suitability status of the licence holder.

Certificates of Good Conduct

4.26 Applicants who have worked or have been resident overseas in the 5 years preceding the date of application must obtain a certificate of good conduct from the relevant embassy or consulate covering that period.

- 4.27 The certificate of good conduct must be authenticated, translated and sealed by the relevant embassy or consulate.
- 4.28 Any costs associated with obtaining a certificate of good conduct are the responsibility of the applicant or driver.

DVLA

- 4.29 As driving is the predominant aspect of a licensed driver, the council needs to ensure that applicants hold a valid driving licence and to ascertain whether the licence holder has been issued with any penalty points.
- 4.30 This Authority will carry out a check of DVLA records to ensure that the information submitted by the applicant is in accordance with the information held by the DVLA.
- 4.31 Applicants are therefore required to complete a DVLA mandate form on application and at three yearly intervals thereafter to permit the Council to access their driving record. The mandate and DVLA result will be retained and recorded.
- 4.32 Consideration of penalty points and driving offences will be made in accordance with the guidelines relating to the relevance and treatment of convictions available on request from the Licensing Team or on the Council website. This can be found at Annex 7.

Medical Requirements

- 4.33 As it is essential that licensed drivers are in good health, applicants are required to undertake a medical examination on first application and at certain times thereafter (see paragraph 4.38 below). This is necessary because the Council must be satisfied that licensed drivers are sufficiently healthy to undertake the tasks expected of them.
- 4.34 In acknowledging the importance of a driver's good physical and mental health in protecting the public, this Authority requires that all new and renewal drivers meet the DVLA Group 2 medical standards.
- 4.35 The DVLA group 2 medical is a recognised national standard developed by DVLA for bus and lorry drivers. The DVLA, The Royal Society of Medicine and the DfT recommend and consider it best practice for licensed drivers (hackney carriage and private hire) to be subject to the DVLA group 2 medical requirements.
- 4.36 Medicals are required for all new applicants and also every 6 yrs. (to coincide with the renewal of licence) thereafter. On reaching the age of 65 medicals are required annually thereafter. For new applicants the medical must be no older than four months at the time of submission with the relevant application. Applicants must pay any fees to the registered medical practitioner for completing the medical and report.
- 4.37 The medical examination must be undertaken by a registered general practitioner licensed to practice in the UK or registered within the EU, and will preferably be the applicants own GP. The Group 2 medical report must be submitted with the application, to enable the council to consider their fitness to hold a licence.
- 4.38 If, once licensed, a driver's medical circumstances change during the period of the licence, the driver must notify the Licensing Authority within 7 calendar days. If there is any doubt as to the medical fitness of an individual, this Authority may require the individual to undergo a further group 2 medical examination by their GP or an approved practitioner at the drivers' own expense. Each case will be assessed on its individual merits. This includes any deterioration in physical or mental health which may affect a driver's ability to drive or complete tasks required of a licensed driver.

Comment [AC(39): Reworded for clarity

Comment [AC(40): Reworded for clarity

Comment [AC(41): Reworded for clarification

Local Knowledge and Competency test

- 4.39 Hackney Carriage and Private Hire drivers need a good working knowledge of the district and surrounding area, because vehicles can be hired immediately, directly with the driver at hackney carriage stands or on the street for Hackney Carriages and by prior booking through a Private Hire Operator in the case of Private Hire Vehicles. All applicants must first complete and pass the Council's hackney carriage and private hire driver's local knowledge and competency test.

Comment [AC(42): Reworded for clarity

Comment [AC(43): Added following the result of public consultation

Driving Proficiency

- 4.40 This Authority needs to be satisfied that a driver's driving ability is competent and of a sufficiently high standard to safely and comfortably convey members of the public. In addition to the mandatory DVLA driving licence, it is therefore a requirement that a further appropriate formal driving qualification be undertaken and obtained for all new applicants and for cases where there are serious concerns as to the fitness of an existing driver to hold a licence due to driving problems a list of approved assessors is available on the Council website.

Council Byelaws

- 4.41 Hackney Carriage Drivers are subject to the Council's Byelaws and breach of these is a criminal offence. The Byelaws can be found at Annex 6

Code of Conduct

- 4.42 This Authority considers that the Hackney Carriage and Private Hire trade is a key front line transport service for residents and visitors to our district and has set down the standards which must be adopted in maintaining a safe, professional and efficient approach to transport members of the public. The standards of behaviour are set out in the licence conditions and should be read in conjunction with the other statutory and policy requirements set out in this document.
- 4.43 This Authority and the travelling public expect licensed drivers to provide good customer service and to behave in a civil and courteous manner. They are expected to be clean and smart in their appearance. The vehicle must also be clean, presentable and roadworthy. They are expected to provide reasonable assistance with luggage or shopping and provide a written receipt if requested with no extra charge. Arrive at the appointed time and not prolong any journey. As professional occupational drivers, they are expected to drive with consideration to their passengers, other road users and local conditions.
- 4.44 Drivers must not operate any equipment which may distract them whilst driving. Drivers must not cause annoyance to passengers during the journey by playing music or constantly talking on a hands free mobile phone.
- 4.45 Drivers must be aware of their obligations under the Equality Act to provide a service and assistance to passengers with mobility problems, disabilities and to take assistance dogs, without extra charge.
- 4.46 This Council condemns discriminatory behaviour which is harassing, racist, religiously motivated, homophobic, sexist, or in any way offensive to disability or gender. Complaints of this nature are taken particularly seriously. The Council does not however have any power over passengers who use licensed vehicles. Drivers who experience any of the above behaviour should report it to the police.

4.47 Licensed drivers must ensure that they fully consider the safety of the passenger, other road users, parking restrictions, street furniture and other hazards when stopping to allow a passenger to alight the vehicle.

4.48 Licensed drivers have a duty to make a conscious decision to take regular rest periods, to ensure their own safety and the safety of the travelling and general public. Licensed drivers must not drive if they are taking medication which impairs their judgement or driving ability.

Complaints against drivers

4.49 In the interests of public safety, this Authority has a duty to ensure that licensed drivers remain fit and proper as well as safe and suitable and will intervene where appropriate. Complaints made to the Council are recorded and monitored.

4.50 Where serious complaints which question a driver's fit and proper status are received, they are investigated and appropriate action is taken. Similarly, the accumulation of several complaints of a less serious nature about the same driver could highlight that there is cause for concern. Each case will be considered on its individual merits. Where this occurs it may be necessary to contact the driver concerned and/ or proprietor or operator. The driver may be asked to attend the council offices to determine an appropriate course of action that reflects Huntingdonshire District Councils Corporate Enforcement Policy. This could be that no action is required, or that appropriate enforcement action needs to be undertaken.

Equality Act requirements and Exemption certificates

4.51 This Authority has implemented Sections 165 and 167 of the Equality Act 2010, which sets out the duties placed on drivers of designated WAV's, which are:

- To carry the passenger while in the wheelchair;
- Not to make an additional charge for doing so;
- If the passenger chooses, to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

Mobility assistance means providing assistance:

- to enable the passenger to get into or out of the vehicle
- if the passenger wishes to remain in the wheelchair. To enable the passenger to get into and out of the vehicle while in the wheelchair;
- to load the passenger's luggage into or out of the vehicle;
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle

Comment [AC(44): Added for clarity and certainty

Sections 168 and 170 of the Equality Act 2010 also lays out requirements for the conveyance of assistance dogs:

- To carry the disabled person's dog and allow it to remain with that person
- Not to make any additional charge for doing so.

4.52 The driver will commit an offence if they fail to comply with the above duties

New paragraph – Drivers who refuse to or fail to take assistance dogs without an exemption certificate may be prosecuted by the passenger and may be subject to enforcement action by the Council, including prosecution or revocation of a licence

Comment [AC(45): Added for clarity and certainty

Comment [AC(46): Move elsewhere?

4.53 All new driver (and operator) applicants will be required to undertake mandatory safeguarding training as prescribed by the licensing authority before submitting an

application. Existing drivers will also be required to undertake mandatory training and will have a period until 31 March 2020 to complete the training. A licence will not be renewed if the training has not been completed within this timeframe.

Comment [AC(47): Reworded to reflect the result of the consultation

4.54 Drivers may apply in writing for an exemption certificate if a medical condition or disability or physical condition makes it unreasonably difficult for them to provide the sort of physical assistance these duties require, or provide physical assistance to passengers in wheelchairs or if they are unable to convey assistance dogs due to a medical condition which is aggravated by exposure to dogs..

Comment [AC(48): Added following consultation

4.55 The Council will only consider exemption applications which are accompanied with a medical report signed by a specifically trained professional that is independent of the applicant i.e. a registered medical practitioner or independent Occupational Health practitioner. The period of the exemption certificate will be individually determined based on the medical practitioner's recommendation. The Council may request applicants to be assessed by the council's professional qualified medical assessor, particularly where the period of exemption is likely to be long term.

4.56 Where an exemption application has been considered and approved by the Council, the driver will be issued with an exemption certificate and an exemption notice. The exemption notice must be displayed in the vehicle on the nearside of and immediately behind the windscreen of the vehicle, in a manner that readily permits its removal, so that its front is clearly visible from the outside of the vehicle and its back is clearly visible from the driver's seat of the vehicle, when driving. The exemption notice must be removed prior to another licensed driver driving the vehicle. Failure to display the notice could leave the driver open to prosecution, if they do not then comply with the requirements of the Equality Act. Only one exemption notice should be displayed in a vehicle at any one time.

4.57 If an exemption application is refused, the applicant will be informed in writing providing reasons for the decision to refuse. Applicants who have been refused an exemption can appeal to the Magistrates Court within 21 calendar days.

4.58 Drivers who have been issued with an exemption certificate must inform proprietors or operators that they have the exemption, to avoid any unnecessary distress or delay to passengers.

4.59 Licensed drivers of designated WAV vehicles who fail to comply with the duties under the Act will be subject to enforcement action. Drivers who are the subject of complaints or who are convicted of failure to comply with this section are unlikely to be considered a 'fit and proper' person.

Comment [AC(49): Wording reinforces that action will be taken even where there has not been a conviction

Idling offence - environmental impact

4.60 Drivers are reminded that stationary idling is an offence under section 42 of the Road Traffic Act 1988.

Plying for Hire – Private Hire Vehicles

4.61 If a private hire driver is parked and is approached directly by a member of the public, the driver must refuse to carry the passenger unless and until a booking has been made by the passenger, or someone acting on the passengers behalf who is not the driver, with the operator. A driver commits an offence under s45 Town Police Clauses Act 1847, if they take an active part in the 'booking' process, eg by contacting the operator directly by radio or mobile phone to make that booking for his own vehicle there and then.

Comment [AC(50): Reworded for clarity and certainty

Hackney Carriage drivers

- 4.62 Hackney Carriage drivers waiting on taxi ranks, generally operate a first in the queue system. When a customer approaches, the taxi at the front of the rank will expect to take that passenger. Whilst this etiquette generally works without incident, drivers are advised that the customer may, for whatever reason, choose not to take the first taxi at the rank.
- 4.63 Drivers who, whilst waiting on a rank, refuse or neglect to accept a fare without reasonable cause are committing an offence.
- 4.64 A driver must not leave a Hackney Carriage vehicle unattended on a rank for whatever reason. Hackney carriage ranks are solely for hackney carriages to wait for the next hiring.

Comment [AC(51): Reworded for clarity and certainty

Section 5 - Operators

General

- 5.1 Any person who operates a Private Hire service (who is not a Hackney Carriage Proprietor who permits Hackney Carriages to be used for pre-booked hackney carriage work) must apply to the Licensing Authority for a Private Hire Operator's Licence. The legislation requires any person, who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle, must be licensed as a private hire operator. The aim is to promote the safety of the public using the operator's premises, vehicles and drivers arranged through them.
- 5.2 A Private Hire vehicle can only be dispatched to a customer by a Private Hire Operator who holds an operators' licence. The licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle. The acceptance of bookings may be provided for by a variety of methods, such as, in person, by telephone, text, email, internet, smart phone app, in writing, or by any other communication means.
- 5.3 The legislation requires the authority to only licence operators who are considered to be fit and proper to hold an operator's licence and who are not disqualified by reason of their immigration status.
- 5.4 A Private Hire operator must ensure that every Private Hire vehicle is driven by a person who holds a Private Hire driver's licence.
- 5.5 All work undertaken by private hire vehicles (and drivers), must be pre-booked via a licensed operator. All three licences (private hire vehicle, private hire driver and operator) must be issued by the same Licensing Authority. Operators will be committing an offence if this provision is not strictly adhered to.
- 5.6 An operator's licence is usually granted for a five year duration, but may be granted for a lesser duration if requested to do so in writing or if the applicant's immigration status limits it to a shorter duration.
- 5.7 Proof of the right to live and work in the UK must be provided by the applicant in accordance with Immigration legislation. As a part of the application process, individuals are required to present original documentation for verification and copies will be made and retained on file. The Home Office has produced Guidance which details the documents that can be used. A link to the Guidance can be found here: <https://www.gov.uk/topic/immigration-operational-guidance>
- 5.8 There is no provision within the legislation to transfer an operator's licence. New applicants must be subject to the fit and proper test and new premises must also be assessed for suitability.

Comment [AC(52): Reworded for clarity and certainty.

Comment [AC(53): Same paragraph added for operators as for drivers

5.9 An operator's licence cannot be issued to persons who do not have the right to work in the UK. A licence lapses (i.e. is no longer a valid licence) if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies, the person must immediately cease to operate and return their operator's licence to the council within 7 calendar days.

5.10 Licensed operators can accept bookings and can subcontract these bookings, but only to another licensed operator. However, the operator who accepted the initial booking remains responsible for that booking.

5.11 Operators are required by law to keep a record of bookings and records relating to each and every vehicle operated by the operator. Records of bookings must be made before the commencement of the journey. This includes records of all journeys that are subsequently sub-contracted to another operator, as well as those received as a sub-contract from another operator. All such records must be made available to an authorised officer for inspection.

5.12 The Licensing Authority has power to impose such conditions on an operator's licence, as it considers reasonably necessary. Huntingdonshire District Council's Schedule of Conditions for Operators is available on request from the Licensing Team or on the Council website. This can be found at Annex 4.

5.13 Licenses for Private Hire operators will only be granted to Operators with a base situated within the Huntingdonshire District boundaries, satellite offices will also only be licensed within the district boundaries.

Suitability of applicant

5.14 Operators are generally the owners of the private hire business. They have access to private information, are responsible for ensuring they only utilise properly licensed, insured and safe vehicles and drivers.

5.15 The council requires applicants to complete the application and submit it with the appropriate fee, and supporting documentation, which will be used to decide whether the applicant is a fit and proper person to hold an operator's licence.

5.16 As Operators have access to personal information and to promote public safety, before an application for a Private Hire Operators licence will be considered, Operators that are existing drivers will undertake enhanced DBS checks in accordance with the requirements of their Hackney Carriage and Private Hire Driver's licence.

5.17 All new Private Hire Operators must submit as part of the application process a basic DBS disclosure, less than 2 months old, if they are not already a licensed driver. The Council will require a further basic DBS disclosure on renewal of a Private Hire Operators Licence, dated within two months from the date of application.

5.18 The legislation does not allow the Council to grant a licence to an operator whose premises are located outside our area. Existing operators already holding an Operator's licence beyond the boundary of the district will be permitted to continue under grandfather rights provided the licence remains in continuous use. If a renewal application is made late and the licence lapses, the grandfather rights will be lost.

Suitability of premises

5.19 When considering an application for an operator's licence at a new premises, consideration will be given to the location, the vicinity, facilities, parking arrangements, etc to ensure that

Comment [AC(54)]: Reworded for clarity

Comment [AC(55)]: Reworded for clarity and certainty

Comment [AC(56)]: Amended. The Council is only permitted to obtain a basic disclosure in respect of an operator.

Comment [AC(57)]: Reworded for clarity and certainty

the grant of a licence will not negatively impact on the surrounding area, including businesses, residents and the general public.

- 5.20 Operators intending to operate from new premises must satisfy themselves that they have obtained any relevant planning permission, or confirmed that planning permission is not required. Where planning permission is required, operators must comply with any condition attached to such permission. Whilst any breach of planning legislation will be enforced by the planning department, it may also be used in consideration of an operator's fit and proper status. The grant of an Operator's licence will not imply that planning consent has been given.
- 5.21 If the business is in a Council property, Housing Association or rented privately, any applicants should seek the written permission from the landlord to operate a private hire business from the premises.
- 5.22 Where the operator has premises open to the public, the operator must ensure that they have taken out Public Liability insurance.

Operators' responsibilities and obligations

- 5.23 The responsibility for applying to renew an Operator's licence, and to ensure that all documentation, checks and associated criteria is up to date, rests solely with the licence holder. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 5.24 This Licensing Authority will only accept complete applications comprising all the necessary information and documentation. A late application (i.e. one made after the expiry of the current licence), or an incomplete application which is not rectified before the expiry of the current licence is a new application, not a renewal and all formalities connected with a new application must be in place before any such application is processed. Late or incomplete applications may render an operator being unlicensed for a period of time during which they will be unable to work as a licensed operator.

Comment [AC(58): The Council will not be introducing a sliding scale for operator fees. S70 of the 1976 act only allows for the recovery of costs associated with the issue and administration of the licence. The number of vehicles is immaterial.

Comment [AC(59): Reworded for clarity and certainty

Record keeping

- 5.25 The Local Government (Miscellaneous Provisions) Act 1976, S 56 (2) requires Operators to keep records of each booking. Information must include the date and time of the booking, the name of the hirer, how the booking was made, the date, time and point of pick-up, the destination, the name and badge number of the driver and the licence number of the vehicle allocated and any other remarks e.g. reference to contract or sub-contract work. Records can be kept in a suitable book or on a computer or any other recordable device and be available for inspection at the address licensed by the Licensing Authority. If using a book the pages must be numbered consecutively. Records must be retained for a period of not less than six months.
- 5.26 If an operator subcontracts a booking to another licensed operator, both operators must keep a record of the booking. The operator who accepted the initial booking remains fully responsible for that journey even though it has been subcontracted to another licensed operator. The initial operator must record the checks they made to ensure that the operator they passed the booking onto is correctly licensed.
- 5.27 Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licenses the operator and driven by a driver also licensed by that same authority.
- 5.28 The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross

border hiring. The legislation permits these bookings and the council cannot get involved in these private hire contracts. Operators should aspire to ensure that their drivers and vehicles provide the highest standard of service, so that they are the operator of choice.

- 5.29 Operators need to be aware of their obligations when it comes to data protection. Where databases containing personal information, such as records of bookings are maintained electronically or if they have CCTV, they are required to be registered with the Information Commissioner's Office (ICO). Further information including a self-assessment, can be found on the following links;
<https://ico.org.uk/for-organisations/register/>
<https://ico.org.uk/for-organisations/register/self-assessment/>
<https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>
- 5.30 The Operator must hold records of insurance and licence expiry dates of drivers and vehicles. Journeys allocated to uninsured or unlicensed drivers and vehicles will be an offence.
- 5.31 The Operator must allow an Authorised Officer of the Council access to records required by their licence at all reasonable times.
- 5.32 Operators must make customers fully aware of any additional charges which may be applied, e.g. for waiting time and for cleaning a soiled vehicle. These additional charges must be clearly displayed in the operator's office and website where available.

Cleanliness & maintenance

- 5.33 Operators have a responsibility along with the driver and proprietor to ensure that the vehicles utilised are clean, fit for the purpose of the booking and comply with the conditions applied by this council. It is expected that where operators have a dedicated fleet, they have a planned maintenance programme in place for all vehicles.

Sub-Contracting

- 5.34 Section 55a of the Local Government (Miscellaneous Provisions) Act 1976, inserted by the Deregulation Act 2015, permits Operators licences by the council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed private hire operator holding a private hire licence granted by another licensing authority.
- 5.35 Regardless of which operator fulfils a booking, the operator can only dispatch a vehicle licensed by the same Council that licenses the operator and driven by a driver licensed by that same Council.
- 5.36 Operators that accept a booking remain legally responsible for that booking even if they sub-contract the booking to another Operator and should record the booking as usual and note the fact that it was sub-contracted.

Cross-border hiring

- 5.37 In relation to Private Hire vehicles, the Local Government (Miscellaneous Provisions) Act 1976 permits members of the public to contact and book a private hire vehicle through any licensed Private Hire Operator regardless of the district they are licensed. Private Hire bookings are private contracts between the hirer and the operator and are not a matter for the Licensing Authority to regulate. In this regard, the Act leaves the selection of an Operator entirely to market forces and the freedom of choice to the customer.
- 5.38 The Council encourages all private hire operators to include wheelchair accessible vehicles

amongst their fleet. They must ensure that no additional costs or charges are levied by them or their drivers for conveying disabled passengers or assistance dogs.

Other obligations

- 5.39 Operators must ensure that only licensed drivers carry out bookings and are appropriately trained for their role. Operators must be able to demonstrate how they will achieve this by way of a policy to include any training (or checks) provided by the operator, customer service company policies and practices, including disability equality.
- 5.40 Operators must be aware of their obligations under the Immigration Act and only utilise persons who have the right to work in the UK. Failure to observe this requirement or to provide due diligence checks may be subject to enforcement action by the relevant Home Office department.

Complaints policy

- 5.41 As responsible business owners, operators will understand that the drivers and vehicles they utilise represent their business when undertaking bookings. Operators will want to ensure good customer service, as this builds a respected reputation, resulting with repeat bookings and a successful business. Where vehicles or drivers fail to provide a good service, the operators business can suffer. Where complaints are received it is expected that the operator will attempt to find an amicable resolution to the complaint without intervention by the Council.
- 5.42 Complainants must be dealt with in a respectful timely manner in an open and transparent way. To ensure this is achieved, operators are required to have a formal complaints policy and procedure which is made freely available to all customers, and maintain records of complaints received.
- 5.43 A copy of the complaints policy and procedure must be given to the council and will be required with all new and renewal applications.
- 5.44 The complaint records must detail specific information, be monitored, and be made available to authorised officers upon request.
- 5.45 The specified information to be recorded must include, where possible the following information as a minimum:
- the name of the complainant and how they can be contacted,
 - the date the complaint was made and the time and date of the journey,
 - If the booking was subcontracted the details of the licensed operator who fulfilled the booking and any action taken by the subcontractor regarding the complaint or concern
 - the name of the driver and vehicle being reported,
 - the nature of the complaint or concern,
 - The date by which the operator will respond to the complaint, which must not exceed 72 hours from time of receipt,
 - The action taken if any, by the operator to resolve the complaint or concern.
- 5.46 Operators must also inform the complainant, that they can further their complaint to the council if they remain dissatisfied with the outcome of their complaint.
- 5.47 If an operator is made aware of a serious complaint concerning the fitness of a driver, they must notify the licensing section immediately or as soon as practically possible and provide details of the actions taken by the operator.

Section 6 - Safeguarding

- 6.1. Safety, security and welfare applies to passengers and licensed drivers.
- 6.2 This Authority is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all our licensed drivers, proprietors and operators to share this commitment.
- 6.3 Safeguarding is the process of protecting children, adults at risk and the general population from harm, preventing impairment to their health and development, which includes keeping them safe from neglect and physical, emotional and sexual abuse.
- 6.4 Licensed drivers deal with strangers, they work alone often late at night, carry cash and may be at risk of violence, non-payment of fares, verbal abuse etc. Proprietors and operators must consider these factors when determining what safeguarding measures should be in place. The council encourages the use of CCTV in licensed vehicles, but has not made it a condition of licences due to the financial burden involved. However, proprietors and operators should consider the benefits of safeguarding measures such as, CCTV, cashless payment systems, communication systems, etc in licensed vehicles in their risk assessments.
- 6.5 Drivers and operators may refuse to carry any passenger, but only if they have good cause, eg a customer's behaviour or demeanour is threatening, offensive or abusive or has previously refused payment. Where this occurs drivers and operators should keep records of why the service was refused.
- 6.6 All new driver and operator applicants will be required to undertake mandatory safeguarding training as prescribed by the licensing authority before submitting an application. Existing drivers will also be required to undertake mandatory training and will have a period until 31 March 2020 to complete the training. A licence will not be renewed if the training has not been completed within this timeframe.

Comment [AC(60): Reworded for clarity and certainty

Comment [AC(61): Reworded to reflect the result of the consultation

Section 7 - Enforcement, Compliance and Range of Powers

- 7.1 The Council has a responsibility to ensure that all licence holders adhere to the standards and conditions applied by this authority and the legislation. It is recognised that a well-directed, risk based approach to enforcement activity by the Licensing Authority benefits not only the public but also the responsible members of the Hackney Carriage and Private Hire trades.
- 7.2 This Authority will operate a firm but fair disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, this Authority will only intervene where it is necessary and proportionate to do so.
- 7.3 Complaints from the public and/ or any routine enforcement that identifies significant breaches of conduct will be subject to investigation by Officers. .
- 7.4 In addition to the investigation of complaints, the Licensing Authority will also take appropriate action in accordance with our Corporate Enforcement Policy, this policy and the regulators code of practice against licence holders upon receipt of evidence that an offence has been committed. An offence may be a breach of the legislation or condition imposed on a licence, byelaw, or this policy.
- 7.6 The Council will undertake overt and covert targeted enforcement operations as well as ad hoc compliance checks on licence holders. These operations and compliance checks may

be inside and outside normal office hours and may involve partner agencies.

- 7.7 Some breaches of legislation cannot be enforced by the council, but may be enforced where appropriate, by other partner agencies, e.g. the Police, DVSA, the Home Office etc.
- 7.9 There are a range of sanctions and actions which may be taken by the council, e.g. prosecution, suspension, revocation, refusal to renew, formal written warning, caution, verbal warning, advisory letter, note on records and no action. The course of action will depend on the severity of the offence committed, the evidence available and the risk to public safety.

Prosecution

- 7.10 Prosecutions will be taken where it is in the public interest.

Suspension of a licence

- 7.11 Where a licence is suspended, unless suspended under powers of "immediate suspension", the licensee may appeal the decision to the Magistrates Court and may continue to work until the appeal is determined.
- 7.12 A driver's licence may be suspended with immediate effect where it is in the interests of public safety to do so. The driver may appeal this decision to the Magistrates' Court but this will not affect the suspension starting with immediate effect.

Refusal to grant

- 7.13 This Licensing Authority has the discretion to decide that a licence will not be granted if the vehicle, driver or operator does not meet the requirements of the policy or conditions of licensing. There is a right of appeal to the Magistrates' Court and thereafter to the Crown Court. In the case of a refusal to grant a hackney carriage proprietors (vehicle) licence, the right of appeal is directly to the Crown Court.

Comment [AC(62): Reworded for clarity and certainty

Revocation of a licence

- 7.14 Where a licence holder has had a licence revoked other than under powers of "immediate revocation" they may appeal this decision to a Magistrates Court and may continue to work until the appeal is determined.
- 7.15 A driver's licence may be revoked with immediate effect where it is in the interests of public safety to do so. The driver may appeal this decision to the Magistrates' Court but this will not affect the suspension starting with immediate effect.

Refusal to renew

- 7.16 This Licensing Authority has the discretion to decide that, especially in the circumstances where a licence is due to expire, it would be more appropriate to refuse to renew the licence as an alternative to revocation. Drivers have the right of appeal to the Magistrates' Court.

Compliance

- 7.17 For minor breaches of licence conditions this Authority will consider offering advice and guidance to promote compliance or issue warnings as appropriate to the circumstances. A warning may be used for minor, technical or first time transgressions where it may not be in the public interest to prosecute.

Complaints, compliments and comments

- 7.18 Complaints compliments or comments about the licensing service may be made via the Licensing address at licensing@huntingdonshire.gov.uk . All complaints will be investigated and responded to. Should this not resolve your complaint it can be escalated via the corporate complaints policy at <http://www.huntingdonshire.gov.uk/council-democracy/have-your-say/complaints-and-feedback/> or by e-mail at Huntingdonshire.gov.uk

Right of appeal

- 7.19 Where an applicant or licence holder is aggrieved by the Council's decision to refuse to grant or refuse to renew a licence, revoke or suspend a licence, or impose conditions on a licence, the applicant or licence holder has a right of appeal to the Magistrates Court.
- 7.20 Any appeal must be lodged at the Court within 21 calendar days of the applicant/licence holder receiving written notification of the Council's decision. The appeal must state the grounds on which the appeal is based.

Section 8 - Fees, Charges and Refunds

- 8.1 There is a statutory power for the Licensing Authority to charge fees associated with the Hackney Carriage and Private Hire licensing regime. Licences surrendered prior to their expiry, or licences that are suspended or revoked shall not be eligible for a refund.
- 8.2 The licence fees applied by this council are set on a cost recovery basis. They are regularly reviewed and any increase or reduction will be published and consulted upon as required by the legislation.

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ANNEX 1

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS
CONDITIONS**

**TOWN POLICE CLAUSES ACT 1847 & LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976**

HACKNEY CARRIAGE /PRIVATE HIRE VEHICLE DRIVERS

SCHEDULE OF CONDITIONS OF LICENCE

1. INTRODUCTION

In these conditions, unless the subject or context otherwise requires, “the Council” means the Council of the District of Huntingdonshire, the District shall mean the District of Huntingdonshire District Council, the “driver” means a person holding and acting in accordance with a Hackney Carriage and Private Hire Vehicle Driver’s Licence issued by the Council and “the vehicle” means a hackney carriage or private hire vehicle licensed by the Council.

Words importing the masculine, feminine or neuter genders and any body of persons corporate or incorporate shall be deemed and taken to include all or any of the masculine, feminine and neuter genders and any body of persons corporate or incorporate and the singular shall include the plural and the plural the singular unless the contrary as to gender or number is expressly provided or unless the same is inconsistent with the context.

It is a criminal offence to drive either a hackney carriage or private hire vehicle without having a hackney carriage/private hire driver’s licence. This also applies when a vehicle is being used for social or domestic purposes. Once, licensed the vehicle remains a licensed vehicle for the duration of the licence, and can only be driven by a licensed hackney carriage/ private hire driver.

2. HIRE

- (1) A driver when plying for hire in a hackney carriage vehicle in any street and not actually hired shall:-
 - (a) on arriving at a stand go to the head of the stand if it is empty or if it is not already occupied by the full number of vehicles authorised to occupy it, station the vehicle immediately behind the vehicle or vehicles on the stand so that they face in the same direction;

- (b) from time to time when any other vehicle immediately in front is driven off or moved forward, shall move forward so as to fill the space;
 - (c) remain with the vehicle and be ready to be hired at once by any person when his vehicle is the first or second vehicle on the stand.
- (2) The driver shall not by calling out or otherwise invite any person to hire the vehicle which he is using and shall not make use of the services of any other person for such purpose.
- (3) The driver shall when standing, plying or driving for hire, wear the badge provided, in such a place and manner as to be plainly and distinctly visible.
- (4) The driver who has agreed to be or has been hired to be in attendance with a vehicle at an appointed time and place, shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- (5) The driver of a private hire vehicle shall:-
- not tout or solicit, on a road or other public place, any person to hire or be carried in his vehicle;
 - not offer the vehicle for immediate hire whilst the driver is on a road or other public place;
 - before the commencement of a journey, confirm the passenger's name and destination. The driver shall confirm the fare before the commencement of the journey unless a sealed taximeter, which has been approved by the Council, is used in the vehicle.
 - When not engaged in a pre-arranged booking, must not park his vehicle in such a position or location on the public highway so as to give the impression to members of the public that the vehicle is available for immediate hire. Public highway means any highway and any other road to which the public has access and includes bridges over which a road passes.

3. CONDUCT OF DRIVER

The driver shall:-

- at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
- treat all passengers with politeness and courtesy;

- take all reasonable steps to ensure the safety of passengers entering, conveyed in or alighting from the vehicle driven by him;
- convey a reasonable quantity of passengers' luggage, giving passengers assistance with this to or from the entrance of any building, station or place at which he may take up or set down passengers;
- not without the express consent of the hirer, eat or drink in the vehicle;
- (6) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (7) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
- (8) at no time discard litter on to the highway. All litter shall be deposited in an appropriate receptacle.

4. CARRIAGE OF PASSENGERS

- The driver shall not convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.
- The driver is to ensure that a disabled person in a wheelchair shall be permitted to hire any hackney carriage licensed by the Council that is specifically constructed or adapted so as to be suitable for carrying passengers in wheelchairs at any designated taxi rank in the district regardless of that person's position in any queue at the rank and the position of the vehicle on the rank.
- The driver shall not use the horn to alert a customer on arrival. Besides being an offence it causes significant residential and environmental nuisance. Offenders will be required to undertake appropriate training and a knowledge test at their own expense
- Drivers need to be conscious of concerns that women or children might have about being alone with someone they do not know or only have limited knowledge of. It is very important when involved in conversations with passengers that drivers do not ask personal questions. It is wholly inappropriate and unacceptable that questions

are asked about a passenger's private life or personal relationships, especially women or children.

5. ROUTES

The driver when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

6. TAXIMETER

The driver of a hackney carriage shall:-

- when standing or plying for hire, keep the meter of the vehicle locking in the position in which no fare is recorded on the face of the taximeter;
- as soon as the vehicle is hired and before commencing the journey, bring the machinery of the taximeter into action until the termination of the hiring. The sign bearing the words "FOR HIRE" shall be operated so that these are not legible by persons outside the carriage as soon as the carriage is hired;
- ensure, during the continuance of any hiring, that the display of the fare on the taximeter is not concealed in any manner or by any means and that such display is distinctly and plainly visible and legible to any person hiring or being conveyed in the vehicle;
- cause the display of the fare on the taximeter to be kept properly illuminated throughout the hiring;
- report immediately to the Council any failure of the taximeter;
- not tamper with or permit any person to tamper with the taximeter, with the fittings thereof or with the seals affixed thereto.

Where a taximeter is an item of equipment in a private hire vehicle, the driver shall use the taximeter in a similar fashion to that in a hackney carriage, bringing the taximeter into action when the journey begins.

7. FARE

- The driver of a hackney carriage shall not require for a journey a fare greater than that authorised by the Table of Fares in force within the district in respect of hackney carriages.
- The driver of a private hire vehicle in which a taximeter is installed shall not require a fare greater than that shown in the Table of Fares by the private hire operator and approved by the Council. Where a journey is carried out under an agreement with the hirer (a contract of hire) the driver shall not require a fare greater than that which was agreed upon prior to the journey commencing.

- The driver shall not wilfully or negligently cause or suffer the Fare Table fixed upon the vehicle to be inverted or detached or altered or the letters or figures on such Table to be in any manner or by any means concealed at any time.
- The driver shall not use a hackney carriage in a district under a contract or purported contract of private hire except at a rate of fares or charges not greater than that fixed by the Table of Fares. (Such contract must be made otherwise than with or through the driver of the relevant hackney carriage vehicle which it is plying for hire or waiting at a stand for hackney carriages.)
- The driver shall, if required by the hirer, provide a receipt for the fare paid.
- The driver of a Private Hire vehicle shall not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a meter and there has been no previous agreement as to the fare, any fare greater than that shown on the face of the taximeter for journeys that begin and end within the district.

8. SIGNS

The driver shall:-

- Not wilfully or negligently damage the licence number marked on a vehicle or the licence plate and in the case of a hackney carriage the "TAXI" sign attached to the vehicle, to be concealed from the public view or to be so defaced that any figure or material particular is illegible;
- When driving a hackney carriage ensure that the "TAXI" sign attached to the vehicle is illuminated when the vehicle is available for hire but not any other time.

9. DEPOSIT OF DRIVER'S LICENCE

A driver who is permitted or employed to drive a vehicle of which they are not the Proprietor shall, before commencing to drive that vehicle, deposit their hackney carriage/private hire vehicle driver's licence with the proprietor or the hackney carriage or private hire operator for their retention by the proprietor of the hackney carriage or private hire operator until such time as the driver ceases to be permitted or employed to drive the vehicle.

10. PROPERTY LEFT IN VEHICLE

The driver of a vehicle shall immediately after termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been left within it

The driver of a vehicle shall, take any property left in his vehicle and not claimed that day to a local police station within 24 hours of finding it.

11. CONVICTIONS

The licensee shall notify the council in writing within seven days of any offence for which he has been convicted whether for criminal or motoring offences including any official cautions and warnings.

12. CHANGE OF PERSONAL DETAILS

The Licensee shall notify the Council in writing of any change of name, address or telephone/mobile number, during the period of the licence, within seven days of the change taking place

13. RETURN OF Licence and badge

If the driver licence is revoked or suspended the Licensee must return the licence and driver's badge to the Council, when instructed to do so.

14. SMOKE FREE VEHICLES

- The Health Act 2006 (Smokefree legislation) requires drivers of hackney
- carriages and private hire vehicles to ensure that their vehicles remain smokefree at all times, even when the vehicle is not being used for licensed purposes.
- The law applies to anything that can be smoked. This includes cigarettes, pipes (including water pipes such as shisha and hookah pipes) cigars and herbal cigarettes, electronic cigarettes and vaping products
- Drivers are to ensure that at least two legible no smoking signs are prominently displayed in the vehicle and are clearly visible to passengers...
- Failure to comply with the requirements of this legislation will be a criminal offence.

15. ANIMALS

- Licensed drivers must not refuse to carry an assistance dog, which is specifically trained to accompany their owner, unless the driver has an exemption certificate issued by Huntingdonshire District Council.

- Assistance dogs accompanied by their owners shall be carried free of charge. All vehicles and drivers must comply with the requirements of the Equality Act 2010.
- The driver shall not convey in any licensed vehicle any animal belonging to or in the custody of himself, or the Proprietor or operator of the vehicle. Any animal belonging to or in the custody of any passenger may be conveyed in the vehicle at the discretion of the driver. The driver shall ensure the animal is adequately restrained and kept in such a position so as not to distract the driver or otherwise be a cause of danger or nuisance.

16. CONVEYANCE OF DEAD BODY

A driver in whose vehicle a passenger dies shall notify forthwith the Council's Head of Service for Environmental Health that a dead body had been conveyed in his vehicle.

17. FITNESS OF DRIVER

- A medical certificate to the group 2 medical standards, signed by a medical practitioner practising in the United Kingdom, shall be produced at the time of the initial application for the licence to confirm that the applicant is fit to be a driver licensed by the Council. Medicals shall be mandatory every 6 years (at licence renewal) until the age of 65yrs thereafter an annual medical will be mandatory
- The driver of a vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause him/her to be a source of danger to the public when driving either at that time or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, "coronaries", high blood pressure, arthritis, mental illness, alcoholism, drug-taking and loss of limb or loss of use of limb. This list is not comprehensive of all disabilities that must be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

18. FITNESS OF VEHICLE

Before commencement of duty a driver shall ensure that:-

- The vehicle is licensed in accordance with the Council's regulations;
- The vehicle is correctly insured as required by the Road Traffic Act;
- The vehicle is in a fit and proper condition to be used as a vehicle
- licensed to transport members of the public. The driver is to ensure that

- the vehicle is clean and mechanically sound, paying particular attention
- to lights, indicators, tyres and brakes.
- All defects which affect the serviceability and performance of the vehicle must be reported immediately to the vehicle proprietor and/or operator for immediate action.

20. ADVERTISEMENTS

The driver of a vehicle shall not place or allow another to place any printed, written or other matter by way of advertisement on any part of the vehicle.

If the driver receives an objection from a passenger with regard to the operation of a digital in car advertising screen in the vehicle, it is to be turned off immediately.

21. DURATION OF LICENCE

The maximum period for which a dual driver's licence will be granted is three years (the licensing period). The Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstances e.g. right to work in the UK. The Licence may be renewed and shall remain in force unless suspended or revoked during the licensing period.

The driver shall, prior to the date of the licence expiry, make an application to the Authority for a renewal. If an application is not received by the renewal date the licence will lapse. Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.

- Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.
- All new applicants to undertake and pass the council approved safeguarding course.
- All licensed drivers to undertake the safeguarding course prior to renewal of their 3 yearly licence.
- All new applicants will be required to take and pass the HDC Knowledge Test.
- All new applicants are to undertake the Council approved driving test before being granted a licence.
- Where complaints of bad driving or serious driving offences are upheld this authority may require a driver to take the test to prove they are fit and proper to hold such a licence. A serious driving offence may include persons who have accrued 9 points for totting up offences within a 12 month period.

Any driver obtaining a Private Hire or Hackney Carriage Driver licence with a foreign EU or exchangeable licence as permitted under the Local Government (Miscellaneous provisions) Act 1976 part II will only be granted a licence for one year. Any subsequent application must be made using a full GB licence.

Applicants from outside of the UK with permissions to undertake Private Hire or Hackney Carriage type work will be required to submit a certificate of good conduct signed and stamped by the relevant embassy. The certificate must be translated into English and delivered as part of the application. This will only apply to applicants who cannot provide a full and continuous 5 year residency in the UK.

All drivers must register for the DBS (Disclosure & Barring Service) update service, and must nominate the Council to receive updates.

22. COMPLAINTS

The driver shall report to the proprietor or private hire operator any complaints made by passengers.

In individual cases where complaints of bad driving or serious driving offences are upheld this authority may require An existing driver to take the test to prove they are fit and proper to hold such a licence. A serious driving offence may include persons who have accrued 9 points for totting up offences within a 12 month period.

23. RIGHT OF APPEAL

Under Section 52 of the Local Government (Miscellaneous Provisions) Act 1976, any person aggrieved by the refusal of the Council to grant a Driver's Licence or any conditions attached to the grant of a Driver's Licence may appeal to a Magistrates Court.

NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.

ANNEX 2

Vehicle Licence Conditions – Private Hire & Hackney Carriages

Pursuant to provisions of the Town Police Clauses Act 1847 and Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 (hereinafter referred to as the 1847 Act and 1976 Act), Huntingdonshire District Council has made standard conditions which will apply to all Hackney Carriages which are required to be licensed under Section 37 of the 1847 Act.

The legislation relating to hackney carriages is contained within the 1847 Act and 1976 Act. Further, and in accordance with section 47(1) of the 1976 Act, the Council may attach to the grant of a hackney carriage vehicle licence such conditions as it may consider reasonable necessary.

It is a criminal offence to use a hackney carriage within the Huntingdonshire District without having a hackney carriage Vehicle Licence.

As a Huntingdonshire District Council Private Hire driver you are NOT permitted to ply for hire within or beyond the district boundary, as a Hackney Carriage Driver you are NOT permitted to ply for hire outside of the district boundary

Any person caught doing so will be subject to investigation for breach of licence conditions with the possibility of suspension or revocation of their license and prosecution.

All new hackney carriages above plate 44 must be wheelchair accessible vehicles (WAV's) and are designated as such. The Licensing Authority will apply any specification for such vehicles as may be provided by regulations under the Equality Act 2010. There is not the same requirement for private hire vehicles to be wheelchair accessible. Existing hackney carriage plates 1-44 also retain protected grandfather rights to use saloon style vehicles provided the licence remains in continuous use. If a renewal application is made late and the licence lapses, the grandfather rights will be lost and a new application for a new WAV vehicle will need to be made.

1. Type of Vehicle

The vehicle must be safe, comfortable and suitable in type, size and design for use as a private hire or Hackney Carriage vehicle.

- a) Private Hire vehicles must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage; a London" type taxi cab finished in the manufacturers standard colour; or
- b) All vehicles must be finished in the manufacturers standard colour with a minimum of four doors not including the tailgate (unless specifically adapted to be used as an access or egress point); or a vehicle specially adapted to carry disabled persons and approved by the council
- c) Environmentally friendly vehicles such as hybrid vehicles, electric or LPG vehicles, and Four x Four (4x4) and Sports Utility Vehicles (SUV's) will be considered on their individual merits
- d) All LPG vehicle conversions must have been carried out by a (Liquefied Petroleum Gas Association) LPGA Approved installer and the vehicle proprietor issued with an LPG

Conversion Certificate which must be produced when applying for either a Hackney Carriage or Private Hire Vehicle licence

- e) The vehicle must display on the front and rear screens, a sticker stating that the vehicle has been fitted with an LPG tank for the purpose of alerting the emergency services in the event of an accident
- f) No more than Five years old from the date of first registration when first presented for licensing.
- g) Hybrid/Electric or ultra low emission vehicles will be no more than 7yrs old from date of first registration when presented for licensing In a condition so as to comply at all times with all statutory requirements. (Testing by the council or its appointed agents does not avoid the need for a Certificate Of Compliance (CoC) for all vehicles more than one year old
- h) Where by the removal of seats, a vehicle original seating capacity is reduced to the maximum capacity of eight passenger seats, the redundant seat mountings must be rendered unusable. This must be done in such a way as to prevent the easy re-fitment of seats.
- i) Hackney Carriage – The vehicle must be capable of safely loading, transporting and unloading a wheelchair bound passenger from the side or rear of the vehicle.
- j) Hackney Carriage Facilities for the Disabled
1. Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraints. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other.
 2. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried in the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
 3. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. the minimum angle of a hinged door when opened must be 90 degrees
 4. The clear height of the doorway must be a minimum of 1.27 metres, the width of the doorway must be a minimum of 680mm and internal headroom must be a minimum of 1.32m
 5. Grab handles must be placed at door entrances to assist the elderly and disabled, and must be contrasting in colour.
 6. The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements: -

- Be not more than 380mm from the ground, (measured at the centre of the tread width);
- The surface shall be covered in a slip-resistant material;
- Have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

Should any entrance be more than 380mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements: -

- Not be more than 380mm in height from the ground, (measured at the centre of the step width);
- Not be less than 250mm deep;
- The surface shall be covered in a slip-resistant material;
- Have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
- Not be capable of operation whilst the vehicle is in motion;
- If automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
- Can fold or retract so that it does not project beyond the side face of the vehicle

and the vehicle is not capable of being driven away unless the step is folded or retracted.

7. The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.32 metres.
8. Where seats are placed facing each other, there must be a minimum space of 350mm between any part of the front seat and any part of any other seat that faces it, provided adequate foot room is maintained at floor level.
9. Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.
10. A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must be 70cm wide, as a minimum, and comprise a single non-slip surface. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.
11. When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers, the vehicle must have all modifications and adaptations (including all seats seat belts and anchorages), retested or approved to meet either European Whole Type Approval or the UK Low Volume Type Approval (ESVA or IVA) that meets the required standard. Prior to the first licensing of the vehicle, the proprietor and/or driver must produce certification that the vehicle meets the required standards.
12. Wheelchair passengers must always travel in the correct position as recommended by the vehicle manufacturer.
13. Wheelchair accessible vehicles must display on the rear of the vehicle the standard sign with the symbol of the figure in a wheelchair indicating that the vehicle is wheelchair accessible

2, Maintenance of Vehicle

- a) **Lighting Equipment** – All front and rear lamps including headlamps, stop lamps, directional indicators, hazard lamps and fog lamps, shall be fully operational. Also lamp lenses shall be clean and free from any chips or cracks which affect the beam pattern, or allow moisture to enter the light casing. Reflectors should be free of corrosion or similar defects
- b) **Steering and Suspension** – The steering shall be fully operational and comply with DVSA inspection regulations. The suspension shall be fully operational, free from any leaks and with no excessive bounce. All components to be in good working order. The fitting of part worn or second hand parts are not permitted.
- c) **Brakes** – All brakes including the foot and handbrakes shall be in good working order and pull evenly in accordance with DVSA inspection regulations. All vehicles must be fitted with a high level brake light,
- d) **Tyres and Wheels** – All vehicles shall carry in accordance with manufacturers' recommendations all necessary equipment for puncture repair. All tyres, including any spare tyre, should be in a roadworthy condition and comply with all relevant statutory requirements. Spare wheels must be fitted in a secure manner at all times
- e) **Seatbelts** – All vehicles shall have fully operational seatbelts in the front and rear to accommodate all passengers. Seatbelts should be in good condition and should not be frayed or torn. All seatbelts shall be mounted to the vehicle body (not to vehicle seats unless specifically designed to do so) and adequately secured.
- f) **Horn** – The vehicles horn shall be fully operational and adequately audible.
- g) **Heater and ventilation** – The vehicle shall be fitted with a fully operational heater, which can be adjusted according to the needs of the passengers. Passengers must be able to operate the windows independently.

h) **Wipers and Washers** – The correct size wiper blades shall be fitted and shall not be torn or frayed. The windscreen washers should operate correctly and fully.

3, Coachwork – vehicles must comply with the following:

- a) The width of the rear part of the body, measured from internal armrest to internal armrest should be a minimum of 1.28m. This measurement to be made with both rear doors closed
- b) The minimum legroom for passengers using the rear seats shall be 22cms, the measurement to be taken from the rear door pillar to the nearest point of the rear seat squab
- c) All doors shall be capable of being opened from both the inside and the outside and to an angle of at least 60 degrees. Two windows capable of being adjusted and secured in any open or partly open position shall be fitted
- d) All glass fitted shall be safety glass, i.e. glass that if fractured does not fly into fragments capable of causing severe cuts
- e) Glass, either in the window, windscreen or other part of the vehicle shall not be broken or discoloured and shall be free from cracks in accordance with DVSA regulations. Aftermarket window tints shall not be fitted to any windows.
- f) All coachwork shall be maintained in a clean condition and in a proper state of repair; and
- g) If the vehicle is an estate or hatchback type car it must be fitted with a guardrail or other device of a type approved by the Council to separate the rear loading area from the passengers

4. General

- a) The vehicle must be fitted with an internal rear view mirror and on both sides with external rear view mirrors
- b) The two way radio equipment must be installed to ensure safe operation
- c) All parts of the vehicle, its fittings and equipment both internal and external must be kept in an efficient, safe and clean condition and comply at all times with all relevant statutory requirements.

d) The licence plate issued by the council shall be affixed to the council issue bracket behind or adjacent to the vehicle number plate

- e) The proprietor/driver shall ensure that at all times whilst the vehicle is used on public roads, there is a current vehicle excise licence in force for the vehicle
- f) Hackney Carriage vehicles shall at all times have a fare table issued by Huntingdonshire District Council displayed within the vehicle in a clear and prominent manner
- g) At least two No Smoking signs are to be displayed within the vehicle and clearly visible to passengers
- h) Plain window blinds may be fitted to a vehicle to shield passengers from the sun, blinds with pictures, cartoons or advertising material will not be permitted
- i) Sufficient means by which any person in the vehicle may communicate with the driver must be provided
- j) The vehicle must be adequately insured for the licence held at all times during the duration of the licence. Any change of insurance provider during the period of a licence must be notified to the Council within seven days
- k) Vehicle proprietors are required to keep proof of insurance for a minimum period of six months after the expiry date for production on request by an authorised officer of the council

5. Safety Equipment

The proprietor shall provide and maintain in good working order in the vehicle:

- a) A suitable fire extinguisher and first aid kit containing appropriate dressing and appliances in date, both items to have the plate identification number issued by the council written on them in permanent marker.

6. Exterior Signs

The proprietor shall ensure that:

- a) Except where authorised in writing by the Licensing Officer under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976, at all times the vehicle current licence plate provided by the Council is displayed: and
- b) Signage must be affixed in a prominent position on each of the rear passenger doors displaying the Huntingdonshire District Council logo with the words Licensed Hackney Carriage or in the case of private hire vehicles “ PRIVATE Hire vehicle – insurance invalid unless pre-booked with operator” ALTERNATIVE SUGGESTION “ No booking – No ride” The signage must be in a prescribed format and is only obtainable via the licensing authority, removable signs e.g magnetic will not be permitted – THIS DOES NOT REFLECT RESPONSES
- c) Private Hire Vehicle: - No roof sign shall be displayed at any time;
- d) The vehicle shall display on the driver and front passenger door in a prominent position the name and contact details of the Operator fulfilling the booking, except where plate exemptions are permitted
- e) Vehicles shall display on both rear external passenger doors in a prominent location affixed door signage as issued by the Licensing Authority
- f) Hackney Carriage Vehicle: - the vehicle shall be fitted with a roof sign not exceeding 500mm in length and 120mm in height, and bearing the word “TAXI” in black lettering illuminated in yellow and no other lettering to the front. The word “TAXI” and the wording “HUNTINGDON DISTRICT COUNCIL” in black lettering, illuminated in red or yellow and no other lettering to the rear
- g) Any alternative sign may not be displayed except with the written authority of the Licensing Officer and in any event must bear the words mentioned above and no others
- h) The roof sign to be maintained in good order and displayed at all times on the roof of the vehicle except:
 - When the vehicle is on hire for a wedding
 - When it is necessary to accommodate passenger’s luggage by the use of a roof rack
 - When the vehicle is being used for the proprietor or a person authorised by the proprietor for social, domestic or pleasure purposes;
 - Otherwise with the prior approval in writing of the Licensing Officer
- i) The roof sign is illuminated except when the vehicle is under hire.
- j) In certain circumstances the Council may authorise or require alternative or additional exterior signs subject to such further or substituted conditions as the Council may determine.
- k) No advertisements, stickers or other medium, which indicate the presence of car telephone or mobile phone equipment are to be displayed in the vehicle.
- l) The car telephone or mobile phone number is not to be displayed on any signs attached to the vehicle nor in any advertising material used by the proprietor, including those business cards he uses to present to the passengers on the completion of journeys or on request.

7. Windscreen notice

The Proprietor must have a notice showing the licence plate number supplied by the Council clearly displayed on the interior of the front windscreen of the vehicle clearly visible to persons inside the vehicle.

8. Tinted windows

- (1) Vehicles first used before 1 April 1985, the windscreen and front side windows must allow at least 70% of light to be transmitted through them.
- (2) Vehicles first used on or after 1 April 1985, the windscreen must allow at least 75% of the light to be transmitted through them whilst the front side windows must allow at least 70% of the light to be transmitted through them.
- (3) If the glass is tinted to a point whereby it lets through less light, then the vehicle does not meet legal requirements

9. Advertisements

All adverts must be approved at the discretion of the Council. For vehicles with less than 6 passenger seats, the lettering on the signs and notices shall not exceed 5cm (2 inches) in height). Larger signs for vehicles with 6 to 8 passenger seats may be used, however all proposed signs and notices must be submitted for approval by an appointed officer of the Council.

All adverts must comply with the British Code of Advertising practice; in addition the Council will not normally approve any advertisements which depict the following:

- (a) Political, ethnic or religious messages or content which is contrary to the Council's Single Equality Scheme.
- (b) Sexual content.
- (c) Indecent material or content likely to offend public taste.
- (d) The promotion of the sale or consumption of tobacco products.
- (e) The promotion of the sale or consumption of alcohol.
- (f) Any words or image that may indicate that a Private Hire Vehicle is a Hackney Carriage.
- (g) Gambling.
- (h) Encouragement of unlawful or anti-social behaviour.

Any advertisement must not obscure or detract from the Council's vehicle identification materials required to be fitted to the vehicle by the conditions relating to hackney carriage and private hire vehicles. Advertisements may not be placed on the front offside and nearside doors.

10. Alteration of vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time whilst the licence is in force

11. Inspection

The proprietor shall submit the vehicle to the Council or its appointed agents for inspection:

- a) Annually when the licence is due for renewal
- b) After any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers and the proprietor shall notify the Licensing Officer of any such accident within 72 hours; and
- c) At any other time if so requested by the Licensing Officer in accordance with legislation

12. Convictions

The proprietor shall, within seven days disclose to the Licensing Officer, in writing, details of any conviction, caution, reprimand or warning issued to him or her or, if the proprietor is a company, on any of its directors during the period of the licence.

13. Change of Address

The licensee driver shall notify the Licensing Officer in writing of any change of his or her address during the period of the licence within seven days of such change taking place.

14. Transfer of Licence

If an owner/proprietor/co-owner of a vehicle in respect of which the Council has granted a licence, transfers his/her interest in the vehicle, he/she shall within 14 days after the transfer give written notice of the transfer to the Council. That notice must contain the name and address of the person to whom the licensed vehicle has been transferred and the written consent to the transfer from the previous proprietor(s)/owner(s)

15. Surrender of Licence

Except in situations to which Section 49 Local Government (Miscellaneous Provisions) Act 1976 applies (transfer of vehicles with licence), if the proprietor ceases to use the vehicle for the purpose for which it is licensed he or she shall surrender the licence and return the plate, which remains the property of Huntingdonshire District Council, to the Licensing Officer.

16. Deposit of Drivers' Licences

If the proprietor permits or employs any other person to drive the vehicle as a hackney carriage or private hire vehicle he or she shall, before that person commences to drive the vehicle, cause that person to deliver his or her hackney carriage or private hire driver licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

17. Hackney Carriage Taximeter

- a) The vehicle shall be fitted with a taximeter visibly recording the passenger fare payable in conformity with such table of fares as may from time to time be approved by the Council
- b) The position of the taximeter shall be agreed by the Council's Licensing Officer and shall be maintained at all times so that the fare displayed can readily be seen by the passenger; and
- c) The operation of the taximeter shall accord with any Byelaws made by the Council.
- d) The taximeter shall be fitted with a key, flag or other device the operation of which will bring the machinery of the taximeter into action;
- e) Such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- f) When the machinery of the taximeter is in action, there shall be recorded on the face thereof in figures clearly legible and free from ambiguity the fare not exceeding the rate or fare which the Proprietor or driver is entitled to demand and take for the hire of the carriage by distance;
- g) The taximeter shall be so placed that all the letters and figures on the face thereof shall be at all times visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be suitably illuminated during any period of hiring;

18 Hackney Carriage Byelaws

The vehicle must comply with the relevant provisions of the hackney carriage Byelaws or be taken out of service as a hackney carriage until such time as the vehicle complies with the

Byelaws.

19. Exemption Licence Conditions (Private Hire Only)

The following condition applies ONLY if the Council has allowed in writing an Exemption licence to be issued instead of an external rear plate. The Council has determined that under the Private Hire Vehicle license an exemption license will be issued, to be kept in the vehicle at all times, for all uses of the vehicle as a private hire vehicle where the driver is acting as a uniformed chauffeur under a written contract for one or more journeys (Appendix D). If any use of the vehicle as a private hire vehicle is made where there is no written contract or where the driver is not in uniform a plate shall be used at the rear of the vehicle.

If the plate is not correctly displayed or the exemption licence not within the vehicle, or if there is any contravention of this provision, the vehicle shall not be deemed to be licensed.

[NB: In Cambridge City, certain Road Traffic Regulation advantages given to licensed vehicles in use as such may not be available unless a plate is used. You will need to observe the relevant requirements if you wish to claim those advantages.]

Failure to comply with any of these conditions may result in the Council suspending, revoking or refusing to renew the licence and in certain circumstances, in prosecution. There is a right of appeal to the Magistrates Court.



ANNEX 3

Private Hire Vehicle Plate Exemption Conditions

The conditions listed below apply to all private hire vehicles granted an exemption by Huntingdonshire District Council from the requirement to display an external identification plate (private hire vehicle licence plate).

The following conditions are in addition to the standard conditions that are required for private hire vehicles.

1. The vehicle licence plate and exemption notice are issued by the council in accordance with the requirements of the Local Government (Miscellaneous Provisions) Act 1976 and shall remain the property of the council.
2. The vehicle will be issued with a licence plate which must be kept within the vehicle at all times, fixed to the inside of the boot or tailgate.
3. Any vehicle granted an exemption from displaying a vehicle licence plate will be required to have the exemption notice kept within the glove compartment of the vehicle.
4. In the event of loss or damage rendering the plate or exemption notice unserviceable, the operator shall make immediate application for a replacement for which a fee is payable.
5. The plate and exemption notice issued by the council must be carried in the vehicle at all times and must be produced to an authorised officer of the council or any police officer upon request.
6. When issued with an exemption notice, the vehicle will not be required to display door signs as the council would otherwise require a private hire vehicle to display.
7. When issued with an exemption notice, a taximeter must not be installed in the vehicle.
8. The operator will not display in or on the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.

9. The operator will not display in or on the vehicle any advertisement, signage or logos or insignia advertising third party companies, products or services.
10. During the period of the exemption notice the driver will not be required to wear a private hire driver's badge, but must have it available for immediate inspection by an authorised officer of the council or any police officer on request.
11. During the period of the exemption notice the driver of the vehicle, whilst engaged in private hire work will be smartly dressed in either a formal chauffeur's uniform or business suit with collar and tie.
12. The operator will notify the council immediately of any change of use of the vehicle.
13. The vehicle must be used for chauffeur services and 'executive hire' only and not for private hire purposes (i.e not for 'normal' airport journey's, educational transport, County Council, Social Services or daily private hire use, in which case a licence plate and door signs must be displayed).
14. The driver and passenger front side window glass and front windscreen must be clear. However tinted windows can be fitted to the rear side and rear window glass of the vehicle so long as they are factory fitted, comply with current legislation and comply with any current private hire vehicle licence conditions.
15. An exemption notice will cease to have effect on the sale or transfer of the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale or transfer of ownership immediately and in writing. The exemption notice must be returned to the council along with the vehicle licence plate.

Failure to comply with any of these conditions may result in the Council suspending, revoking or refusing to renew the licence and in certain circumstances, in prosecution. There is a right of appeal to the Magistrates Court.

ANNEX 4

Licence Conditions – Private Hire Operator Licence

1. The licensee shall keep a suitable record of each journey noting the following particulars of every booking of a private hire vehicle invited or by request of another operator and whether or not the vehicle to be hired is provided by the licensee himself, such records must be maintained for at least two years, all entries must be made in ink, or stored digitally, and be available to an authorised officer upon request:
 - a) Date of booking;
 - b) Time of booking;
 - c) Whether direct from hirer or at request of another operator (in the latter instance give name of operator)
 - d) Name of hirer;
 - e) Place, date and time at which vehicle is to pick up;
 - f) Place, date and time of the vehicle destination;
 - g) Place and registration number of vehicle, and the name of proprietor if not the licensee himself; and
 - h) Name of the vehicle driver

2. The licensee shall keep a record of the following particulars of any private hire vehicle for which he or she invites or accepts bookings:
 - a) Vehicle registration number
 - b) Private hire plate number
 - c) Permitted number of passengers to be carried as shown on the private hire licence plate;
 - d) Make and model of vehicle;
 - e) Name and address of vehicle proprietor;
 - f) Date the vehicle was first licensed for motor taxation purposes;
 - g) Date the vehicle was first licensed by the council for private hire work;
 - h) Date on which the vehicle was added to the operator's fleet; and
 - i) Date on which the vehicle was withdrawn from the fleet.

3. The licensee shall keep a record of the following particulars of all licensed private hire vehicle drivers engaged to drive any private hire vehicle operated by him or her:

- a) Full name of driver;
 - b) Full permanent address of the driver;
 - c) Date of birth of driver
 - d) Drivers private hire badge number
 - e) Date that engagement/employment commenced; and
 - f) Date that engagement/employment terminated.
4. The licensee shall produce all or any of the records specified in conditions (1) (2) and (3) on request to any authorised officer of Huntingdonshire District Council (The Council) or to any Constable for inspection.
 5. The licensee shall not invite or accept bookings for private hire work for any vehicle which has not been licensed by the Council for such work.
 6. The licensee shall not employ or otherwise engage whether directly or indirectly any person to drive any private hire vehicle for which the licensee invites or accepts bookings unless they holds a current private hire driver licence issued by the Council and there is appropriate insurance policy in place which covers personal injury to passengers.
 7. The licensee shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular;
 - a) Ensure that when a private hire vehicle has been hired to pick up at an appointed time and place the vehicle shall, unless unavoidably delayed or prevented by from being able attend at the appointed time and place;
 - b) Ensure that when a private hire vehicle has been hired, the vehicle shall be clean inside and display on the external rear of the vehicle, the current private hire vehicle licence plate provided by the council;
 - c) Ensure that when a private hire vehicle has been hired the price of the journey shall be given to the hirer at the time of the booking.
 - d) Ensure that at the time of the booking the hirer will be informed that in the case of a lone person travelling they shall be informed that they are required to travel in the rear of the vehicle unless requested otherwise at the time of the booking.
 - e) Keep clean, adequately heated, ventilated and lit any premises provided and to which the public have access whether for the purpose of booking or waiting;
 - f) Ensure that any waiting area provided has adequate seating facilities; and
 - g) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
 8. The licensee shall immediately on receipt of any information or complaint as listed in HDC convictions policy notify the Licensing Officer and provide details of the action taken.
 9. A record of all complaints will be kept by the operator and made available to the public and an authorised officer on request in the case of an investigation

10. The licensee shall notify the Licensing Officer in writing of any conviction arising out of court action imposed upon him or her or; if the licensee is a company or partnership, on any of the directors or partners

NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS INCLUDING THE GENERAL CONDITIONS RELATING TO PRIVATE HIRE VEHICLES AND DRIVERS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.

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HUNTINGDONSHIRE DISTRICT COUNCIL

LICENSING OF STRETCHED LIMOUSINES – SPECIAL CONDITIONS

LICENSING REQUIREMENTS

1. The general conditions imposed by Huntingdonshire District Council (hereafter referred to as the Council) for Private Hire Vehicle Operators, Drivers and Vehicles will be applicable to the licensing of stretch limousines unless amended by the following provisions.
- 1.2 the type of work undertaken by stretch limousines will differ significantly from that of regular private hire work in that the vehicle will only be licensed for the carriage of passengers for special events, examples of which are:
 - Prom nights
 - Theatre trips
 - Hen nights
 - Stag nights
 - Party trips
 - Race days

or any other similar events considered by the Council to be special in nature. However, vehicles use solely for weddings and funerals are exempt from the requirements of private hire licensing.

2. PRIVATE HIRE OPERATORS LICENCE

- 2.1 Persons taking bookings for private hire work using stretch limousines will be required to hold a private hire operator's licence issued by the Council.
- 2.2 All bookings of a limousine for use as a private hire vehicle must be made through a licensed private hire operator. Any vehicle licensed by the Council will only be used for hire under the terms of a private hire operator's licence already issued or granted to an operator within the District or to any new licensed operator.

3. PRIVATE HIRE VEHICLE DRIVERS LICENCE

- 3.1 Any person driving a stretch limousine for private hire will be required to be licensed as a private hire driver by the Council.

4. DEFINITION OF A STRETCH LIMOUSINE

- 4.1 A stretch limousine is defined as a motor vehicle that has been lengthened by the insertion of an additional body section and modified by an authorised coachbuilder that is capable of carrying up to but not exceeding 8 passengers. There will be no age limit for

first registration and no maximum upper age limit, subject to the vehicle being mechanically and physically maintained in accordance with the provisions of the Council's standard conditions relating to private hire vehicles as referred to in paragraph 1 above.

4.2 Once licensed as a private hire vehicle, the limousine will be subject to any statutory requirements imposed by Part II of the Local Government (Miscellaneous Provisions) Act 1976.

4.3 Stretch limousines will be regarded as luxury vehicles used for special events. The use of such a vehicle for standard private hire work is not considered to be appropriate.

5. **VEHICLE TESTING**

5.1 A stretched limousine vehicle will be subject to a **twice yearly mechanical examination** at intervals to be specified by the Council at its authorised testing station to determine its safety and suitability for the type of work for which it is to be licensed. This will apply to all stretched limousines regardless of age, date of import or date of registration. The Vehicle Registration Document V5 must indicate in the field "Type Approval Number" that it has undergone one of the following approvals and meets the technical standards of either:

- a European Whole Vehicle Type approval, or
- a British National Type approval, or
- an Individual Vehicle Approval (IVA) (formerly known as the Single Vehicle Approval scheme (SVA)).

5.3 Where applicable, the Vehicle Identification Number (VIN) plate shall display '1L1' to confirm conversion completed by an authorised dealer.

5.4 Documentation is to be provided proving that the 'stretch' was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer e.g. American limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.

5.5 A plate on the door pillar shall confirm the total weight of the vehicle.

5.6 DVLA V5 or equivalent shall be produced to authenticate registration.

6. **VEHICLE REQUIREMENTS**

6.1 Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times. The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight of the vehicle, such as 235/75R-15 108D (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced).

6.2 All LPG vehicle conversions must have been carried out by a (Liquefied Petroleum Gas Association) LPGA Approved installer and the vehicle proprietor issued with an LPG Conversion Certificate which must be produced when applying for either a Hackney Carriage or Private Hire Vehicle licence

- a) The vehicle must display on the front and rear screens, a sticker stating that the vehicle has been fitted with an LPG tank for the purpose of alerting the emergency services in the event of an accident

- 6.3 Vehicles may either be left or right hand drive.
- 6.4 Vehicles must be fitted with at least 4 doors.
- 6.5 All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations.
- 6.6 Any sunroofs fitted must be securely fastened in a locked position so that passengers are unable to tamper with them. Passengers must not be allowed to exhibit any parts of their anatomy through such openings.
- 6.7 Stretch limousines with heavily tinted glass in the windows behind the driver's cockpit will be considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements. Tinted glass shall conform to the legal requirements as laid down by the Vehicle Operators Services Agency (VOSA).

7. PASSENGERS

- 7.1 The limousine's seating capacity must have been reduced where necessary to a maximum of 8 passengers.
- 7.2 The vehicle must not carry more than 8 passengers at any time and for this purpose a babe in arms will be classed as a passenger no matter what their age.
- 7.3 Where passengers in the vehicle consist of persons under the age of 16 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18 years.
- 7.4 Passengers must not be carried in the front compartment.

8. INSURANCE

- 8.1 The vehicle must have 'hire and reward insurance' to carry out private hire work and a fully policy of insurance must be presented before the vehicle is licensed.
- 8.2 No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence under the Licensing Act 2003 permitting the sale or supply of the same.

9. ALCOHOL

- 9.1 Alcohol shall only be served while the vehicle is stationary and afterwards all bottles shall be placed in a secure receptacle.
- 9.2 If there are any passenger's below the age of 18, then there shall be no alcohol on the vehicle.
- 9.3 Any 'glassware' in the vehicle must be made of either shatterproof glass or plastic.

10. ENTERTAINMENT

- 10.1 The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle (based on the age of the youngest passenger).

10.2 Entertainment provided in the vehicle shall be under the terms of any relevant legislative requirements. Activities which are prohibited within the vehicle are:

- Striptease
- Lap Dancing
- Pole Dancing
- Any other activity or performance of a like kind.
- The driver of the vehicle shall not knowingly permit to be played any video, DVD or other recording image that is unsuitable having regard to the age of passengers being conveyed. In deciding what a suitable regard shall be, the driver must take notice of the classification of the video, DVD or recorded image awarded by the British Board of Film Classification

11. ADVERTISEMENTS

11.1 No signs, notices or any other markings will be displayed on or in the Vehicle without the written permission of the Council. There is no requirement for the vehicle to display a door sign denoting the operator's details.

11.2 In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry a maximum of 8 passengers and a sign to this effect must be displayed within the passenger compartment of the vehicle.

12. RIGHT OF APPEAL

12.1 Under Section 48 (7) of the 1976 Act, any person aggrieved by the refusal of the Council to grant a Private Hire Vehicle Licence, or any conditions specified in such a licence may appeal to a Magistrates' Court.

NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS INCLUDING THE GENERAL CONDITIONS RELATING TO PRIVATE HIRE VEHICLES MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.

Huntingdonshire District Council

HUNTINGDON DISTRICT COUNCIL

BYELAWS

BYELAWS made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the HUNTINGDON DISTRICT COUNCIL with respect to hackney carriages in HUNTINGDON DISTRICT.

HACKNEY CARRIAGE BYELAWS

1. Throughout these byelaws "the Council" means the HUNTINGDON DISTRICT COUNCIL and "the district" means THE ADMINISTRATIVE AREA OF HUNTINGDON DISTRICT AS DEFINED BY THE ENGLISH NON-METROPOLITAN DISTRICTS (NAMES) ORDER, 1973.

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;
- (b) A proprietor or driver of a hackney carriage shall:
 - i. not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.



3. The proprietor of a hackney carriage shall
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening

- and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. Every proprietor of a hackney carriage provided with a taximeter, not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:
- (a) the sign shall bear the words "FOR HIRE" in plain letters at least one inch in height;
- (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.
6. The driver of a hackney carriage provided with a taximeter shall:
- (a) when standing or plying for hire, keep the key, flag or

other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter; and operate the sign provided in pursuance of Byelaw 5 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;

(b) as soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage;

(c) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

(d) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.

7. The proprietor of a hackney carriage shall cause to be affixed to the roof of the vehicle an illuminated sign with the wording "HUNTINGDON LICENSED TAXI CAB" thereon, such wording to be visible on either side of the said sign and to be of an appropriate size to enable the sign to be read clearly from a distance of 15 yards.

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

9. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:

(a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;

(b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

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

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

10. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

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

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

13. The driver of a hackney carriage when hired to drive to any particular destination shall subject to any directions given by the hirer, proceed to that destination by the shortest available route.

ANNEX 6

14. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage. 4
15. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible. 5
16. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage: 2
- convey a reasonable quantity of luggage;
 - afford reasonable assistance in loading and unloading;
 - afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.
17. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:-
- Ramsey - Gt. Whyte - each day of the week
adjoining the eastern kerb of the central reservation
opposite nos. 21-25 and the cinema, Gt. Whyte 3
- St. Ives - Market Hill - Tuesdays to Sundays inclusive and from 6.00 p.m. on Mondays
adjoining the southern kerb fronting the Robin Hood Public House, Market Hill 1
- Broadway - each day of the week
adjoining the southern kerb fronting Bobby's Bandbox and White's dental surgery 3
- Huntingdon and Godmanchester
- Market Square - Sundays to Fridays inclusive, and from 5.30 p.m. on Saturdays
fronting the Town Hall 4
- Bus Station - each day of the week
new lay-by at Huntingdon Bus Station, Princes Street 5
- St. Germain Street - each day of the week
rear of Eastern Electricity show room 2
- St. Neots - Market Square - each day of the week
eastern side of Market Square between the car parking area and bus station 8
18. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.
- Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.
- | | |
|---|-----------|
| Fares for Distance (inclusive of Value Added Tax) | New Pence |
| if the distance does not exceed 1830 yards for the whole distance | 45 |
| If the distance exceeds 1830 yards for the first 1830 yards | 45 |
| for each subsequent 305 yards or uncompleted part thereof | 5 |

Waiting Time
for each period of 2½ minutes or
uncompleted part thereof

New Pence

5

Extra Charges

(a) for hirings begun between Midnight
and 6.00 a.m.

50%
of the above
rate or fare,
waiting time and
extra passengers

(b) for each article of luggage conveyed outside the
passenger compartment of the carriage (other
than bicycle or perambulator but including a
folding pushchair)

3

(c) for each person in excess of two (any two
children under 12 years of age to count as
one person)

6

(d) for each bicycle or perambulator

6

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

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

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

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

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

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

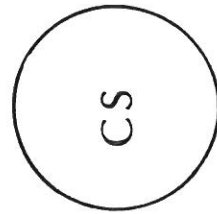
22. Every person who shall offend against any of these byelaws
shall be liable on summary conviction to a fine not exceeding
twenty pounds and in the case of a continuing offence to a
further fine not exceeding five pounds for each day during
which the offence continues after conviction therefor.

23. The byelaws contained in the following table are hereby
repealed:

Date Made	By Whom Made	Date Confirmed	By whom Confirmed
24 December 1965	Huntingdon & Godmanchester Borough Council	15 March 1966	One of Her Majesty's Principal Secretaries of State

20 November 1974	Huntingdon District Council	10 January 1975	- Ditto -
7 December 1973	St. Neots Urban District Council	21 December 1973	- Ditto -

The Common Seal of the Huntingdon
District Council was hereunto affixed
on the 18th day of November 1976
pursuant to a Resolution of the
Council at a meeting held on the 17th
day of November 1976 in the presence
of



ANNEX 6

No.281/76

N. GODFREY

Chief Executive Officer

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976.

HACKNEY CARRIAGE STANDS - ST. IVES.

The foregoing byelaws with the exception of Byelaw 7 are hereby confirmed by the Secretary of State and shall come into operation on the 28th day of January 1977

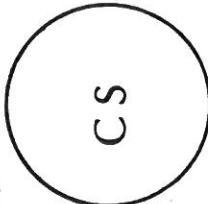
In accordance with Section 63 of The Local Government (Miscellaneous Provisions) Act 1976, the District Council have considered the amendment of Byelaw No. 17 of the Byelaws made by the Council on the 18th November, 1976 and confirmed by the Secretary of State on the 28th January, 1977, insofar as that Byelaw relates to the provision of Hackney Carriage Stands at St. Ives.

The Council having advertised their proposals in accordance with the said Section 63 of the Act and given notice to the Chief Officer of the Cambridgeshire Constabulary and to the County Highway Authority do now order that the Byelaw relating to the Hackney Carriage Stands set out in Schedule 1 to this Order be revoked and that in their place new Hackney Carriage Stands, as set out in Schedule 2 hereof, be appointed with effect from the 9th May, 1980.

Signed
An Assistant Under Secretary of State

Signed by authority of the Secretary of State

Home Office
Whitehall



28th January 1977

I certify that this is a true copy of the Byelaw made by the Huntingdon District Council on 18th November 1976 and confirmed by the Secretary of State on 28th January 1977 with respect to Hackney Carriages in Huntingdon District.

L. Be...
Secretary and Proper Officer

SCHEDULE 1.

- ST. IVES - Market Hill - Tuesdays to Sundays inclusive and from 6.00 p.m. on Mondays adjoining the southern kerb fronting the Robin Hood Public House, Market Hill
1 Hackney Stand.
- Broadway - each day of the week adjoining the southern kerb fronting Bobby's Bandbox and White's Dental Surgery
3 Hackney Stands.

SCHEDULE 2.

- ST. IVES - Market Hill - each day of the week adjoining the southern kerb fronting Clement's Newsagent Market Hill
1 Hackney Stand
- Broadway - each day of the week adjoining the southern kerb fronting No. 7 & Bobby's Bandbox
3 Hackney Stands

L. Be...
Secretary and Proper Officer - Huntingdon District Council

Dated this Ninth day of May, 1980.

Pathfinder House,
St. Mary's Street,
Huntingdon,
Cams.

HUNTINGDON DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE STANDS - HUNTINGDON

In accordance with Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, the District Council have considered an amendment of Byelaw No. 17 of the Byelaws made by the Council on the 18th November, 1976, and confirmed by the Secretary of State on 28th January, 1977, insofar as that Byelaw relates to the provision of Hackney Carriage Stands at Huntingdon.

The Council having advertised their proposals in accordance with the said Section 63 of the Act and given notice to the Chief Officer of the Cambridgeshire Constabulary, the County Highway Authority and to the British Rail Board do now order that the byelaw relating to the Hackney Carriage Stands be amended and the new Stands as set out in Schedule 1 to this Order be appointed with effect from 1st January, 1981.

SCHEDULE 1

Huntingdon - British Rail Station -
each day of the week outside
the front entrance to British
Rail Station.

SCHEDULE 1

ST IVES - Market Hill -
each day of the week adjoining the
southern Kerb fronting Clement's
Newsgent, Market Hill

SCHEDULE 2

ST IVES - Market Hill -
each day of the week on the north
side of Market Hill immediately
adjacent to the paved area outside
the White Hart Public House, St Ives.

Pathfinder House,
St. Mary's Street,
Huntingdon,
Cambs. PE18 6TN.

L. B. G.

Secretary,
Proper Officer,
Huntingdon District Council.
Dated this 29th December, 1980.

HUNTINGDONSHIRE DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE STANDS - ST IVES

In accordance with Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, the District Council have considered the amendment of Byelaw No. 17 of the Byelaws made by the Council on 18th November 1976 and confirmed by the Secretary of State on the 28th January 1977, and subsequently amended by order of the District Council on 9th May 1980, insofar as that Byelaw relates to the provision of Hackney Carriage Stands at St Ives.

The Council having advertised their proposals in accordance with the said Section 63 of the Act and given notice to the Chief Officer of the Cambridgeshire Constabulary and to the County Highway Authority do now order that the Byelaw relating to the Hackney Carriage Stand set out in Schedule 1 to this Order be revoked and that in its place new Hackney Carriage Stands as set out in Schedule 2 hereof, be appointed with effect from 19th August 1987.

SCHEDULE 1

ST IVES - Market Hill -
each day of the week adjoining the
southern Kerb fronting Clement's
Newsgent, Market Hill

1 Hackney Stand

SCHEDULE 2

ST IVES - Market Hill -
each day of the week on the north
side of Market Hill immediately
adjacent to the paved area outside
the White Hart Public House, St Ives.

2 Hackney Stands

[Signature]

Chief Executive and Proper Officer
Huntingdonshire District Council

Dated this 19th day of August, 1987.

Pathfinder House
St Mary's Street
Huntingdon
Cambs

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LICENSING POLICY – RELEVANCE AND TREATMENT OF CONVICTIONS

Under the provisions of Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a hackney carriage/private hire driver's licence and private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence.

The purpose of this document is to offer guidance on how Huntingdonshire District Council will determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. Each case is then considered on its own merits in the light of this policy.

This policy contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.

OFFENDERS AND OFFENDING – AN OVERVIEW

The aim of local authority licensing of the hackney carriage and private hire trades is to protect the public. With this in mind, Public Protection will be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.

The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability. This authority will consider all relevant factors including previous convictions, cautions, warnings and complaints as well as the time elapsed since these were committed.

This authority recognises that it is not possible to determine the future behaviour of an individual, however, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual's previous behaviour and their potential to cause harm as a result of the choices they have, will play a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person's ability to sustain such change.

Pre-application requirements

Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

Vehicles:

- Basic DBS checks;
 - Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space
- etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;

- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.

Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.

GENERAL GUIDANCE

There is no evidence which can provide precise periods of time that must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

Drivers and operators cannot be granted a licence unless this authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

There are no statutory criteria for vehicle licences, therefore this authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.

“Fit and proper” also known as “safe and suitable” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence.

In determining safety and suitability this licensing authority is entitled to take into account all matters concerning that applicant or licensee. We are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

Convictions, cautions or warnings for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can

and will be taken into account by this authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction

In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for this authority to decide what action to take in the light of this policy.

In all cases, this licensing authority will consider the conviction or behaviour in question and what weight should be attached to it. Each and every case will be determined on its own merits, and in the light of this policy.

Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

As the licensing authority we will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from these experiences and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

Relevance of offences

Once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. This licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, may lead to revocation and may result in prosecution.

Where a person has more than one conviction, this will raise serious questions about their safety and suitability. This licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed

Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, this licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

These guidelines do not replace the duty of this licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority will consider the matter from first principles of public safety and determine the fitness and propriety of the individual.

DRIVERS

As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together as part of this document.

Drivers have direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will be given as to whether they are a safe and suitable person and therefore fit and proper to hold a licence.

Single convictions

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particularly in giving information required on the application form for a licence. Where an applicant has made a false statement, false declaration or omitted to include information on their application for the grant or renewal of a licence, the licence will normally be refused.

Local Authority offences

Local Authority offences such as benefit fraud, health and safety and food hygiene although not necessarily directly relevant to taxi licensing should not be discounted lightly and should be considered when deciding whether or not an applicant is a fit and proper person.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not

prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

A private hire operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate.

If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria that will lead to the operator's licence being revoked.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

Vehicle proprietors (both hackney carriage and private hire) have two principal Responsibilities:

Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Non conviction information

On the occasion of information being supplied by the Chief Officer of Police either as the result of information contained on a DBS Disclosure or under the 'Notifiable Occupations Scheme' which relates to an alleged serious offence which resulted in no action being taken, consideration should be given to refusing or suspending/ revoking the application/ licence. Such offences would include those of a violent or a sexual nature. Every case will be considered on its own merits.

CONCLUSION

A criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for a period of time, according to circumstances before an application can be considered.

While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give more cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration must be the protection of the public.

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Area of Policy	Summary of Comments received	Consideration	Action required within the policy document
Introduction/ General			
General	<p>Reference the relationship we have with other districts. No objection to changes. Changes implemented should be fair for everyone. (NHT)</p> <p>Complaints centre around taxis being late, overpriced, drivers not being presentable and poor customer service. Hopefully the changes will get customers the service they require. (NHT)</p> <p>Welcome updating the policy but some of the changes proposed are needless. Service should not deteriorate because of cost cutting. Increase licensing staff to reflect workload. Don't rush through. (ST)</p>	<p>Comments noted</p> <p>Comments noted.</p> <p>Comments noted.</p>	<p>Relationships with other districts have been included.</p> <p>The policy contains a section on 'code of conduct' which refers to standard of dress, behaviour and customer service.</p> <p>Comments have been addressed individually in the relevant sections.</p>
Vehicles			
Definitions, specifications and conditions	<p>3.10 should read "except when the vehicle is being tested by a garage mechanic or other garage staff to convey it to the testing station" (ST)</p>	<p>Legislation states that a vehicle can only be driven by a licensed driver (except when being tested by a garage mechanic). We are unable to extend the exception as suggested.</p>	<p>No further action.</p>
Smoking	<p>3.11 should include "no vape products to be used in the vehicle at any time" (ST)</p>	<p>Comment noted</p>	<p>The policy has been amended to prohibit vape products</p>
Signage, livery and advertising	<p>3.14 (HCV) I do not agree with vehicles having this logo and wording , unless supplied free of charge (ST)</p> <p>3.15 (PHV) I do not agree with vehicles having this wording on the doors unless supplied free of charge. Suggested wording "No booking- no ride". (ST)</p>	<p>Comments noted.</p>	<p>All comments will be taken into account alongside the corresponding result of the survey.</p> <p>The suggestion of "No booking- no ride" will be</p>

			considered as suitable alternative wording.
Age limit on vehicles	<p>Sensitive – for the Council to decide a fair outcome. Needs to be realistic. Do not compare to cities. Drivers will take the hit and we do not want no drivers as a result. (NHT)</p> <p>Reducing the car age to 5 years old would be good, 15 years is too old.</p> <p>Age limit should not be changed, will lose drivers. If implemented 2-3 years grace should be given to current owners. (DJW)</p> <p>A licensed vehicle should not be more than 12 years of age from date of registration. (RV)</p> <p>The maximum age due to the rugged nature of the job should be 7 years. (ST)</p>	Comments noted	All comments will be taken into account alongside the corresponding result of the survey. Grandfather rights for renewals will be given.
HC livery	Might be an idea for all HCV's to be the same colour as adopted by Newmarket and Bedford. (RV)	Noted	Comment will be taken into account alongside the corresponding result of the survey.
CCTV	<p>No thanks (DJW)</p> <p>Do not agree. No benefit to anyone and causes a paper mountain. (ST)</p>	Comments noted	Comment will be taken into account alongside the corresponding result of the survey.
Hackney Carriage Vehicle specification	HCV's should have a box or light on top that can be illuminated.(NA)	HDC's taxi byelaws require a roof of the vehicle to be fitted with an illuminated sign.	The byelaws will be appended to the final policy.
Door stickers	<p>Magnets instead of stickers. Stickers are messy.(NA)</p> <p>If owner driver and sole vehicle, may wish to remove door signs when using vehicle privately. They should not be permanently affixed. (ST)</p>	<p>Noted</p> <p>Noted</p>	Comments will be taken into account alongside the corresponding result of the survey.
Plate display exemption	There is no issue re displaying a plate rather than obtaining an exemption, but could consideration be given	The provision of a smaller plate was not a part of the policy consultation,	No further action within the policy document.

	to a smaller style type plate as Bedford? (RV)	however the comment has been noted.	
Standards of vehicles	It is possible to switch components for testing, then switch back. It is also possible to obtain one month's insurance for hire and reward, then switch back to social, domestic and pleasure once through the test. There needs to be a more robust methodology for testing and insurance checking to avoid 'cheating'. (RV)	Comments noted. Testing is undertaken to VOSA specifications. Insurance documents are currently verified at time of testing and must be of at least one month's duration.	Consideration will be given as to whether the Council should require evidence of continued insurance throughout the entire period of the licence.
Vehicle testing	3.36 Appointed testing station. A second provider would ease the pressure.	Comment noted. At times of pressure extra slots are allocated to match the need. This is not a matter that was consulted upon within the policy.	No change.
Accidents/ Replacement Vehicles	3.40 Disagree. Operators are responsible for their vehicles. (ST) 3.41 Not necessary. (ST) 3.42 Pointless. Not all accidents involve insurance companies. (ST)	Comments noted.	Comments will be taken into account alongside the corresponding result of the survey
Vehicles or weddings/ stretch limousines (8 or less passengers)	Should be licensed. (RV)	Legislation exempts wedding vehicles. HDC has conditions for stretched limousines.	The conditions for stretched limousines will be appended to the final policy.
Drivers			
3 year driver licence	Too much. Some drivers do not report traffic offences. How will the council know if someone has been banned ? (RV)	Legislation requires the Council to issue 3 year licences. It is a condition of the licence that drivers advise the Council of any conviction within 7 days. Failure to do so may render them before the licensing and protection sub-committee to determine whether they are 'fit and proper' to hold a licence. The Council currently requires a DBS check and	The Council will introduce a 3 year licence in accordance with legislation, but will also offer the option of a 1 year licence. The conditions for HC & PH drivers will be appended to the final

		DVLA check every three years. It is not proposed to change this practice.	policy.
Certificates of good conduct	4.28 Why insist on 5 years when TfL require 3 years? Referring back the extra time can cause delays and is unnecessary (ST)	5 years is standard practice so is stated in the policy document to reflect our current practice. No change is proposed to this requirement.	No further action.
Introduction of a knowledge test	Not a good idea. Trying to get young people into the trade by more tests and more fees is ludicrous (DJW) HC drivers should have a local knowledge test, but PH drivers do not. (RV) 4.42 Not necessary. Sat Navs are more reliable. Should be tested on ability to enter a postcode into a Sat Nav. Important that they be tested on road signs and signposting e.g. hospitals. All applicants should have a knowledge of the Highway Code and it should be given as a part of the application pack. Cost prohibitive. An obstacle to gaining employment. Will prevent people from applying. (ST)	Comments noted. Knowledge tests generally include a section on the highway code. The highway code is available to view on the internet. www.highwaycodeuk.co.uk/	Comments will be taken into account alongside the corresponding result of the survey.
Introduction of a maths test	Not a good idea. Trying to get young people into the trade by more tests and more fees is ludicrous (DJW) Applicants should pass a maths test (RV) 4.43 Discriminatory. Being able to write a receipt and give correct change does not require the same level of English comprehensions as having to read and understand the Council's licensing conditions. What if someone is dyslexic or cannot read or write at all?. Are they not allowed to be a taxi driver because of this? Cost prohibitive.(ST)	Comments noted	Comments will be taken into account alongside the corresponding result of the survey.
Introduction of an English test	Not a good idea. Trying to get young people into the trade by more tests and more fees is ludicrous (DJW) An english test must be mandatory (RV) 4.43 Discriminatory. Being able to write a receipt and give	Comments noted	Comments will be taken into account alongside the corresponding result of the survey.

	correct change does not require the same level of English comprehensions as having to read and understand the Council's licensing conditions. What if someone is dyslexic or cannot read or write at all?. Are they not allowed to be a taxi driver because of this? Cost prohibitive. (ST)		
Driving Proficiency	Blue Lamp Trust test works and is quick.(RV) 4.45 Website needs updating. (ST)	Noted. There are no proposals to change this. Noted.	No action necessary. Website will be updated.
Introduction of a first aid test	Not a good idea. Trying to get young people into the trade by more tests and more fees is ludicrous (DJW)	Comment noted	Comment will be taken into account alongside the corresponding result of the survey.
Code of Conduct	Needs spelling out and needs to be detailed (DS)	Comment noted.	The policy contains a dedicated section on the code of conduct of drivers
Medical	Is the most expensive element of the application. There is an organisation that provides a medical for £50. (RV)	Noted. The Council requires a Group 2 medical signed by a registered practitioner. Applicants are free to choose their own provider with regard to cost.	No action necessary.
Residence	All HDC licensed drivers should live in the district and be on the electoral role (RV) Driver's who do not reside in the area. Why so many? There has to be control over a driver's need to be licensed away from where they reside or work. (RV)	Comment noted. Legislation precludes the Council from implementing this suggestion. Comment noted, but the Council is bound by the provisions of the Deregulation Act.	No action can be taken.
Application Pack	Suggests a licensing application pack be made available to collect from HDC containing: application form, medical, Blue Lamp Trust info, how to register on the DBS	This is a procedural matter rather than policy, but the comments are welcomed and have been noted.	The policy will continue to be updated in line with any applicable changes..

	update service, Carecheck info, form D796, copy of highway code and frontsheet with instructions. This could be achieved at a reasonable cost of £3. (ST)		
Delegated authority	Operators have problems recruiting. For a matter needing to go before the Licensing Sub-Committee a member of staff started his application in August and it is now nearly December. This is not acceptable. An officer should be able to deal with these issues. (RV)	Delegations form a part of a separate exercise being undertaken and comment will be noted as a part of that exercise.	No action necessary in formulating the policy.
Operators			
General	5.1 To reduce poor housekeeping by operators , applicants should be able to prove their ability to run such an operation e.g. by having sufficient funds available and to pass an operators competence test. Would cut out cross border types and other who might bring the industry into disrepute. (ST)	Comments noted. The requirements for operators are set out in the draft policy. Having sufficient funds and the passing of a competence test are not currently criteria upon which we are consulting.	No action required.
Planning permission	It appears that anyone can set up as an operator from their home with any amount of vehicles and without planning permission (RV)	This is a planning matter and is subject to planning legislation and procedures.	No action necessary. Applicants are advised to check the planning portal as to whether they need planning permission to operate from the address.
Criteria	Operators should have as DBS, a HC/PH drivers licence, be resident in HDC district, have a command of the English language and have the right to work in the UK (RV)	Noted. The policy states that operators are subject to a DBS check and must have a right to work in the UK. We cannot require that they are a resident of the district, or that they hold a HC/PH drivers licence.	There is a section in the policy setting out the requirements for obtaining an operator's licence.
5 year operator licence	5 years is too much. 3 is more sensible. (RV)	Legislation requires that we offer a 5 year licence.	The Council will introduce a 5 year licence in accordance with legislation, but will also offer the option of a 1 year licence.

Operators fee to be on a sliding scale	Not happy paying a premium for the number of vehicles operated (RV) 5.21 Should be a flat fee regardless of number of vehicles operated. (ST)	Comments noted.	Comments will be taken into account alongside the corresponding result of the survey – flat fee recommended..
Operating base/ residence	I cannot see why all operators and drivers must live in the HDC area and be on the electoral role. I cannot see why the council cannot implement this (RV)	Comment noted, however legislation precludes us from applying a criteria of residence.	No action can be taken.
Record keeping	5.27 Needs clarification. (ST)	Comment noted	To be clarified.
Disability awareness	Equality Act (not Equalities Act) 5.41 The reference to disability awareness training is welcomed. Extend training to all drivers as well as operators. We recommend that all drivers undertake disability equality training when obtaining their licence. Recommend changing disability awareness training to disability equality training State that any refusal to carry assistance dogs will be investigated with a view to prosecution. 4.59 we welcome that exemption certificates will only be issued where medical evidence is provided by a specifically trained professional 4.57 should be strengthened to include the specific duties placed on drivers from S168 & 170 to carry the disabled persons dog and allow it to remain with that person and not to make a charge for doing so. 4.51 Comment welcomed and should be strengthened to drivers being required to undertake disability equality training Enforcement – refusals should be investigated with a view to prosecution/ revocation of licence. Suggested wording provided 4.58 clarify to include “due to a medical condition which	Noted Noted Considered Considered Considered Noted Noted Noted Considered Considered	Amended in policy No action necessary Amended in policy Amended in policy Amended in policy No action necessary Added to policy Amended in policy Similar suitable wording added to policy Amended in policy

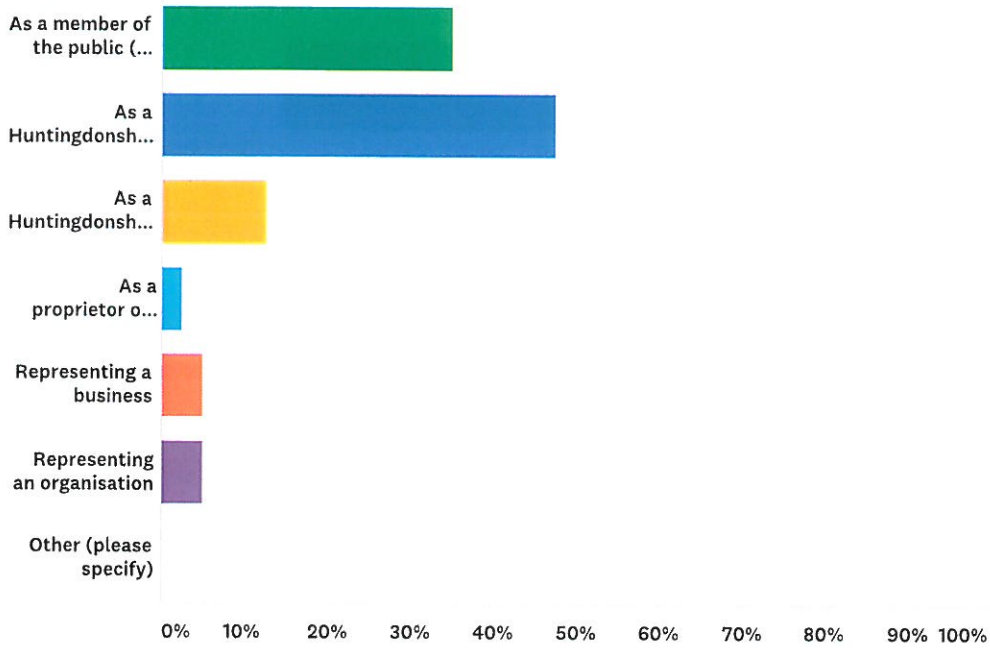
	is aggravated by exposure to dogs” 4.60 It is not permissible for licensing authorities to issue exemption certificates incorporating tactile features as it would render it invalid, but recommend that licensing authorities issue certificates accompanied by distinguishable features to vision impaired passengers. (GD)	Considered	Government legislation does not require this. The form of the exemption certificate is prescribed in the legislation.
Safeguarding			
Safeguarding	A key area (DS) 6.6 Who will bear the cost of safeguarding training. Would it be better to issue a brochure rather than introducing mandatory training and adding cost to an already expensive process. (ST) 6.6 How can you implement the policy document until these matters are sorted. Cost will impact upon recruitment which is already difficult. (ST)	Agreed. Comments noted.	Comments will be taken into account alongside the corresponding result of the survey. It is envisaged that Safeguarding training will be mandatory for new drivers and will also be arranged for existing drivers. The most effective method of delivery, taking into account cost and the ability to recruit drivers will be considerations.
Enforcement, compliance and range of powers			.
Enforcement	The two licensing officers should be out on our streets every day, not in the office answering phones and dealing with paperwork. (ST) Weak. At 4.25 include if driver has been subject to action elsewhere that it should be brought to the attention of	Comment noted. Officers duties were not a part of the consultation, but the policy has a section on compliance/enforcement. The Guidance relating to the relevance and treatment of convictions sets out	No action required The guidelines relating to the relevance and

	the licensing panel (DS)	the criteria that determine appearance before the licensing sub-committee. This includes non-declaration of matters. Paragraph 4.25 refers to the DBS which would not show actions taken by other authorities, but can be added to 4.12 in the driver section.	treatment of convictions will be appended to the policy. The policy will be amended to include actions by other authorities in the driver section.(4.12 of draft)
Fees, charges and refunds			
3 year licence for drivers	Keep fees reasonable, no more than £120. (NA)	Noted.	The fee imposed will be cost neutral for the provision of the service.
Other matters raised			
Electric and Hybrid eco vehicles	Cambridge and Peterborough are looking at introducing electric and hybrid eco vehicles for the taxi fleet. Don't get stuck in the past. (DJW) What provisions have the council allowed for electric cars and how will they be tested? (RV)	Comment noted. Will form part of a separate exercise.	The Council will look into this further.

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Q1 In what capacity are you replying to this consultation?

Answered: 40 Skipped: 0

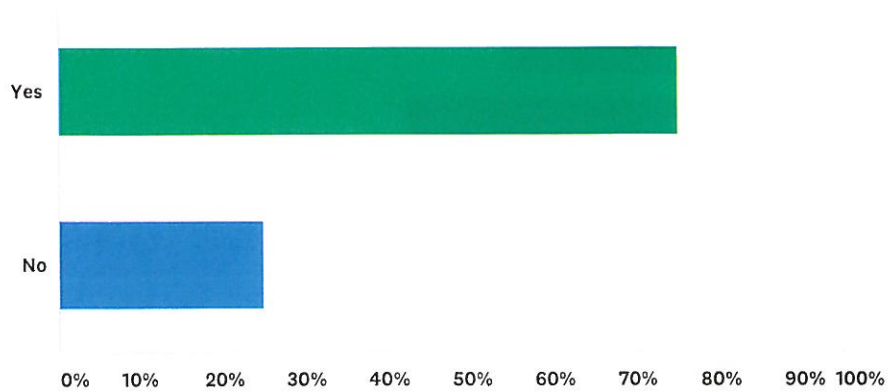


ANSWER CHOICES	RESPONSES	
As a member of the public (not a taxi driver)	35.00%	14
As a Huntingdonshire District Council licenced Hackney Carriage or Private Hire driver	47.50%	19
As a Huntingdonshire District Council licenced operator	12.50%	5
As a proprietor of a Huntingdonshire District Council licenced vehicle	2.50%	1
Representing a business	5.00%	2
Representing an organisation	5.00%	2
Other (please specify)	0.00%	0
Total Respondents: 40		

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

Q2 Do you live in Huntingdonshire District?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

75.00%

25.00%

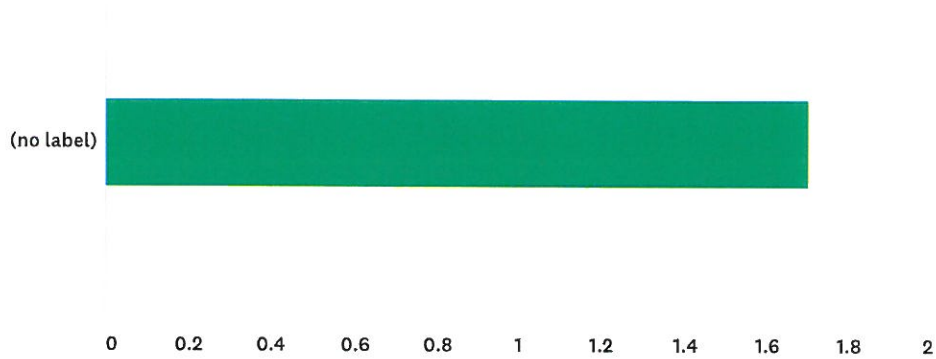
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Q3 Do you agree that the Council should have a dedicated licencing policy for the Hackney Carriage and Private Hire trade reflecting current legislation and guidance?

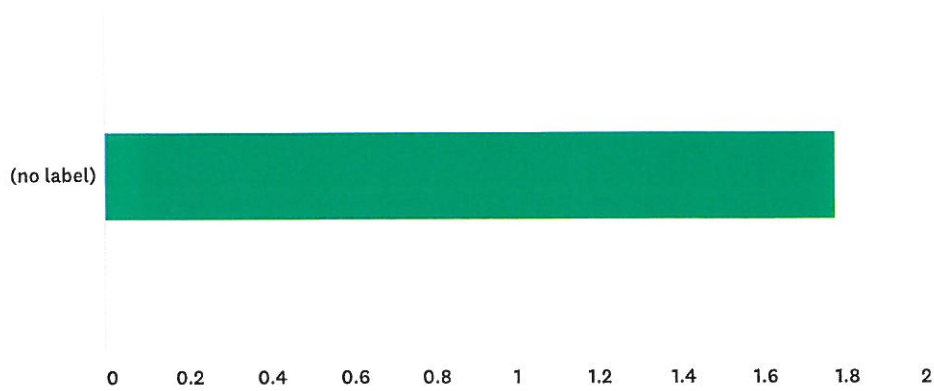
Answered: 40 Skipped: 0



	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
(no label)	50.00%	35.00%	10.00%	5.00%	40	1.70
	20	14	4	2		

Q4 Do you agree that all licensed drivers should undertake training on equalities, child sexual exploitation, safeguarding and disability awareness?

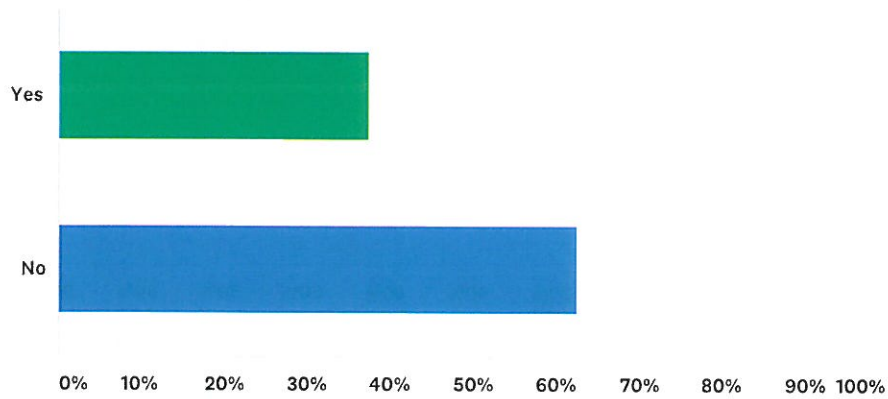
Answered: 40 Skipped: 0



	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
(no label)	50.00% 20	27.50% 11	17.50% 7	5.00% 2	40	1.77

Q5 Vehicles are required under the Council's existing conditions to carry a First Aid Kit, there are no plans to change this requirement. In addition, should all licensed drivers be required to hold a first aid certificate?

Answered: 40 Skipped: 0



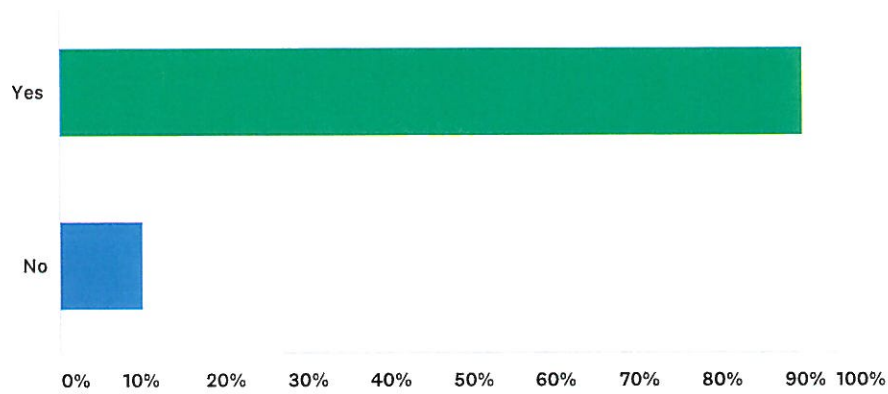
ANSWER CHOICES

RESPONSES

Yes	37.50%	15
No	62.50%	25
TOTAL		40

Q6 Should the Council include within the policy a code of conduct for licensed drivers and operators?

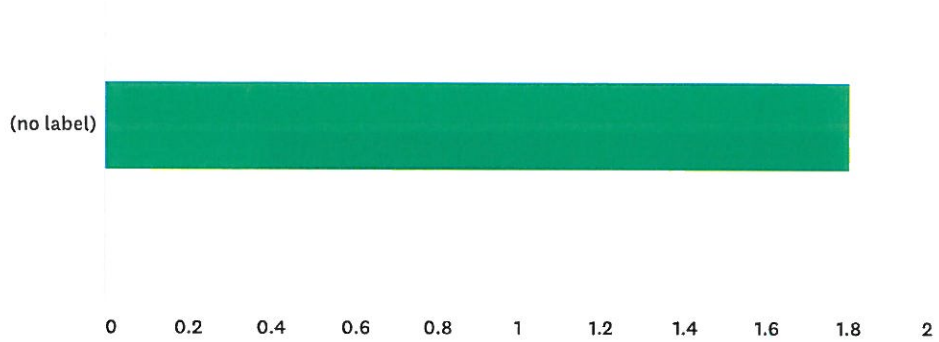
Answered: 40 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	90.00%	36
No	10.00%	4
TOTAL		40

Q7 Do you agree that the Council's conditions for drivers, operators and vehicles should be revised and kept updated?

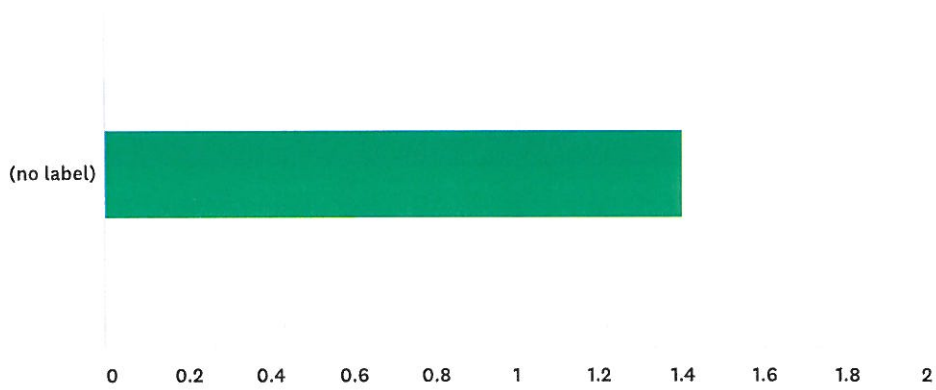
Answered: 40 Skipped: 0



	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	40.00%	45.00%	10.00%	5.00%	40	1.80
	16	18	4	2		

Q8 Do you agree that the Council's guidelines relating to the relevance and treatment of convictions for new and existing drivers be kept relevant and up to date?

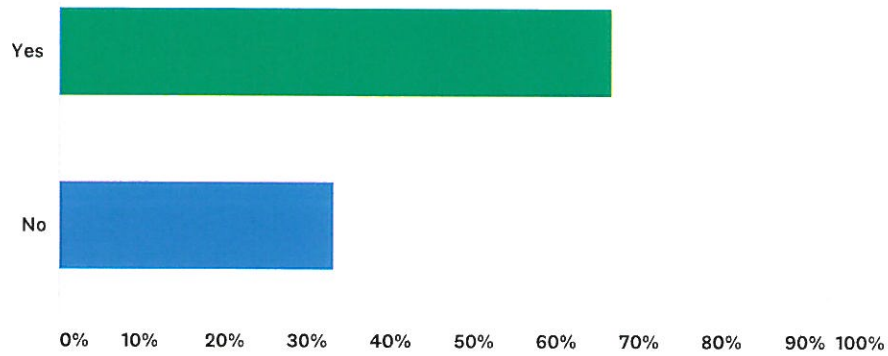
Answered: 40 Skipped: 0



	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
(no label)	60.00% 24	40.00% 16	0.00% 0	0.00% 0	40	1.40

Q9 Should the Council introduce a local knowledge test for new drivers?

Answered: 39 Skipped: 1



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

66.67%

33.33%

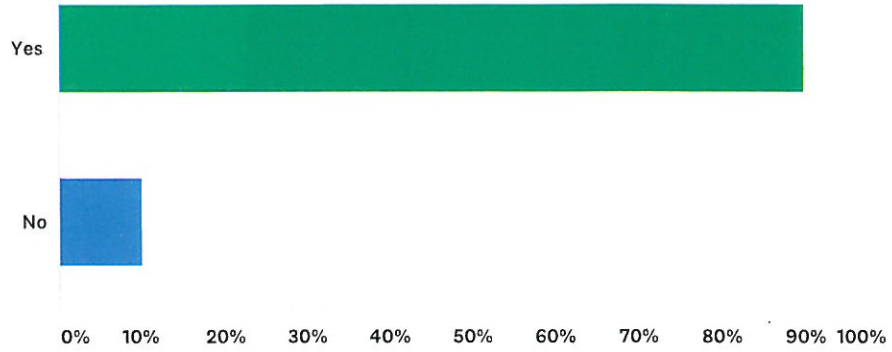
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Q10 Should the council introduce a basic assessment of English language and arithmetic for new drivers?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

90.00%

10.00%

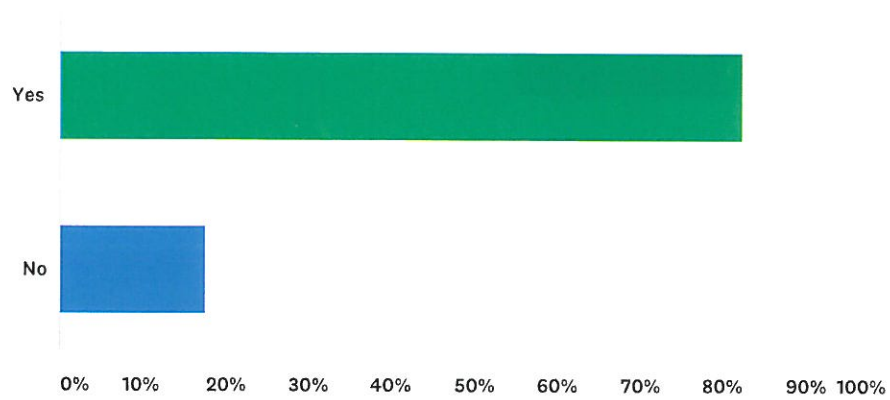
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Q11 The Health Act 2006 prohibits smoking in vehicles. Should the Council extend this to electronic cigarettes and vaping?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

82.50%

17.50%

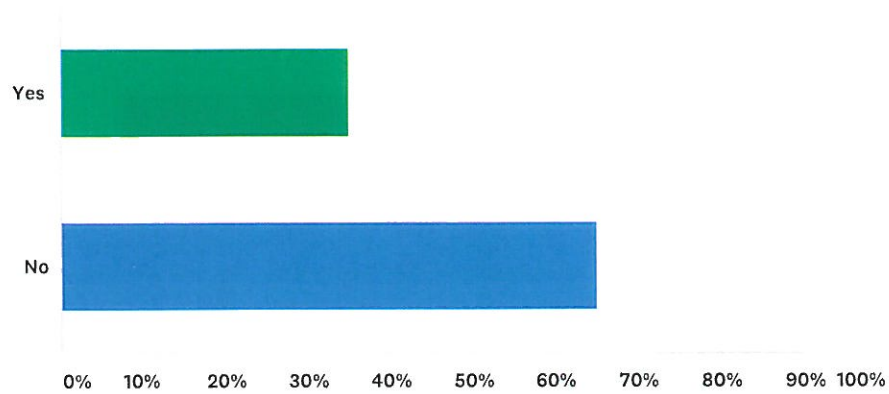
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Q12 Should the Council require CCTV in all licensed vehicles?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

35.00%

65.00%

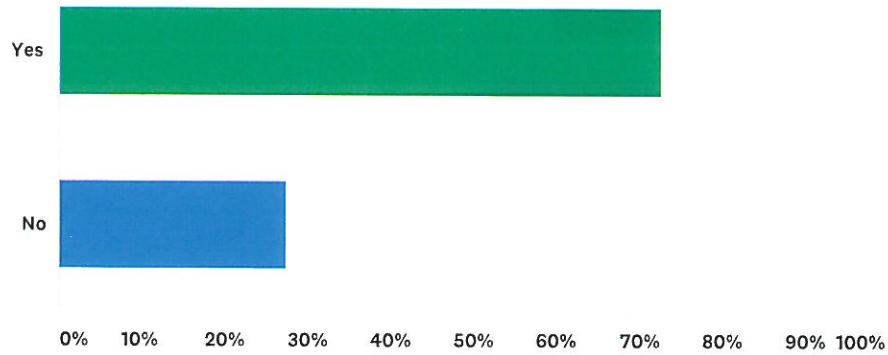
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Q13 Following an accident, do you agree that a vehicle should be inspected and/ or submitted to the testing station to ensure it is safe to drive before the plate is re-issued?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

72.50%

27.50%

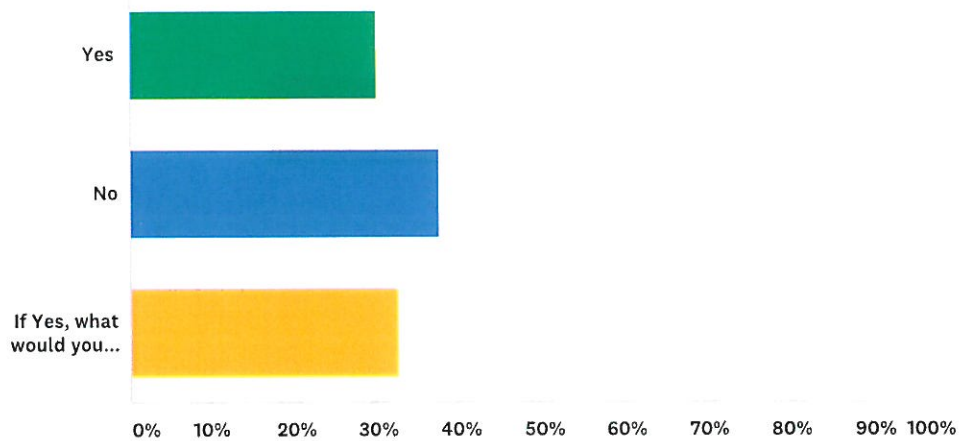
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Q14 Should the Council introduce a maximum age policy at first application with Huntingdonshire District Council for licensed vehicles?

Answered: 40 Skipped: 0



ANSWER CHOICES

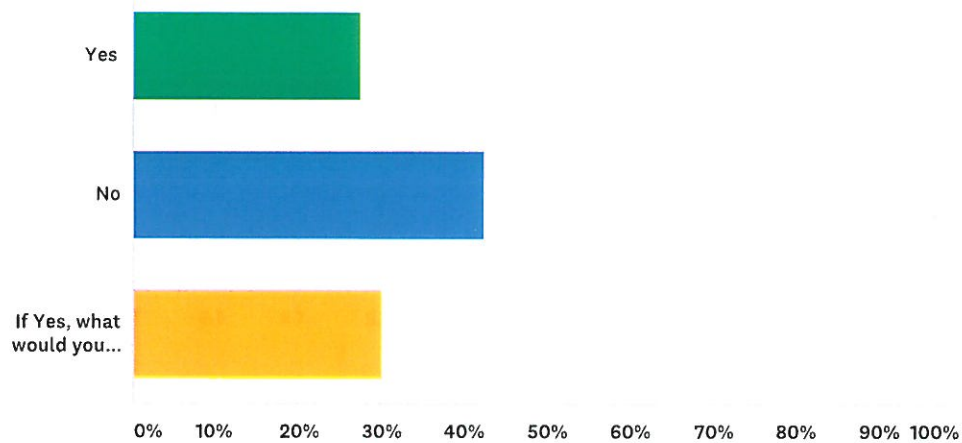
RESPONSES

Yes	30.00%	12
No	37.50%	15
If Yes, what would you suggest to be the maximum age of a vehicle on first application of licence?	32.50%	13
TOTAL		40

#	IF YES, WHAT WOULD YOU SUGGEST TO BE THE MAXIMUM AGE OF A VEHICLE ON FIRST APPLICATION OF LICENCE?	DATE
1	10	11/30/2017 5:25 AM
2	3 years	11/27/2017 10:09 PM
3	10 years dependent on how vehicle has been treated.	11/22/2017 5:11 PM
4	15	11/21/2017 9:06 PM
5	5 years	11/8/2017 10:34 AM
6	I believe this should be 3 year old.	10/26/2017 10:03 AM
7	5 years	10/23/2017 8:23 PM
8	3 years	10/22/2017 7:22 PM
9	10	10/20/2017 2:15 PM
10	10 years from first registration	10/16/2017 11:34 AM
11	6 years	10/4/2017 10:25 PM
12	4yrs	10/3/2017 2:59 PM
13	10	10/1/2017 5:38 PM

Q15 Should the Council introduce a maximum age policy at renewal with Huntingdonshire District Council for licensed vehicles? i.e. the maximum age of a vehicle that can hold a licence

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes	
No	
If Yes, what would you suggest should to be the maximum age of a vehicle on renewal?	
TOTAL	

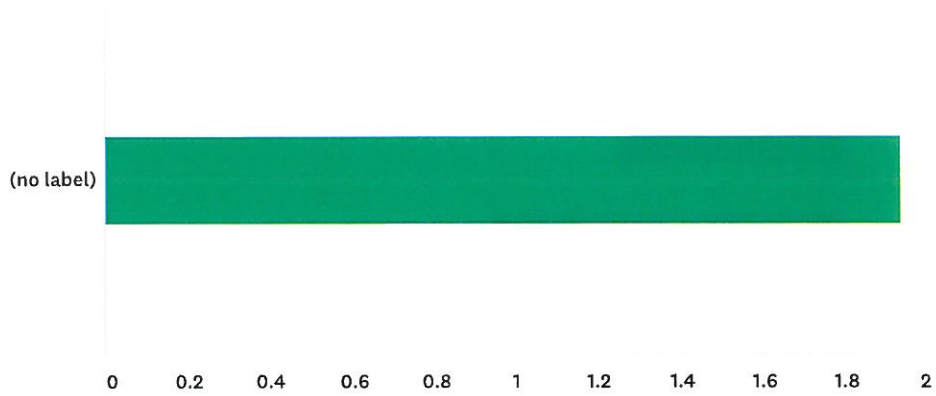
RESPONSES

27.50%	11
42.50%	17
30.00%	12
	40

#	IF YES, WHAT WOULD YOU SUGGEST SHOULD TO BE THE MAXIMUM AGE OF A VEHICLE ON RENEWAL?	DATE
1	7 yrs	11/27/2017 10:09 PM
2	10 years dependent on how vehicle has been treated	11/22/2017 5:11 PM
3	12 years	11/8/2017 10:34 AM
4	8	11/2/2017 12:11 AM
5	10	10/28/2017 9:06 AM
6	Age is not relevant it is Condition and if the car is Road worthy and clean.	10/26/2017 10:03 AM
7	10 years	10/23/2017 8:23 PM
8	8 years	10/22/2017 7:22 PM
9	12 years	10/4/2017 10:25 PM
10	30	10/4/2017 12:46 PM
11	7yrs	10/3/2017 2:59 PM
12	15	10/1/2017 5:38 PM

Q16 Do you agree that the Council should not licence any Private Hire vehicles that look like Hackney Carriage vehicles?

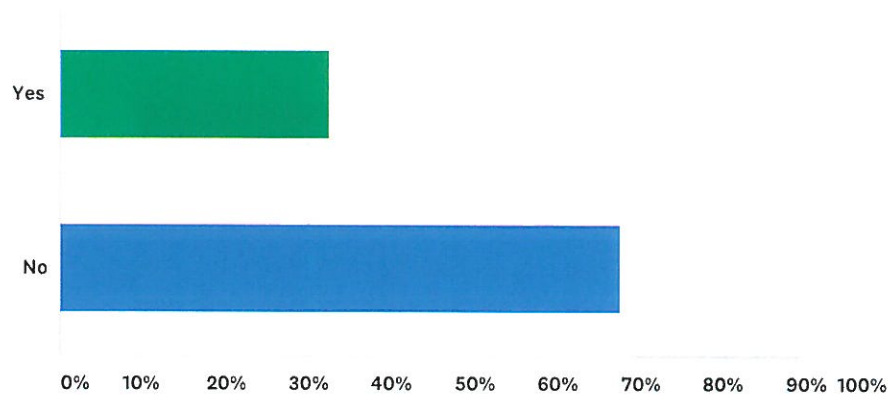
Answered: 40 Skipped: 0



	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
(no label)	42.50% 17	30.00% 12	20.00% 8	7.50% 3	40	1.93

Q17 Should all Hackney Carriage vehicles be the same colour?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

32.50%

67.50%

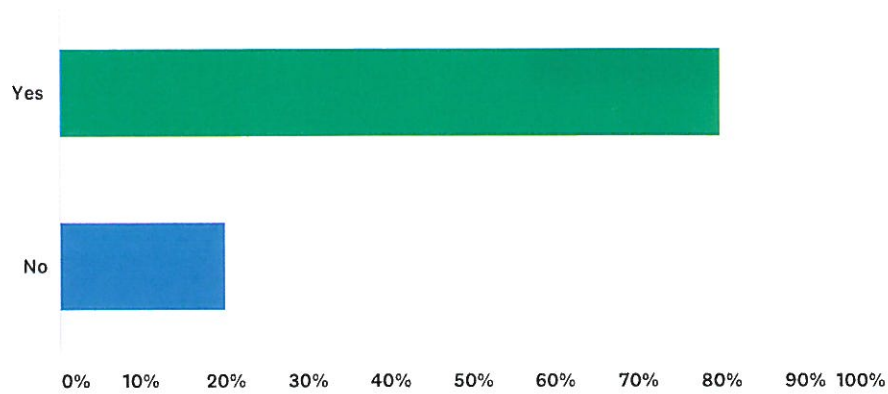
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Q18 Should all Hackney Carriage vehicles have signage stating 'Licensed Hackney Carriage' and bear the Council's logo?

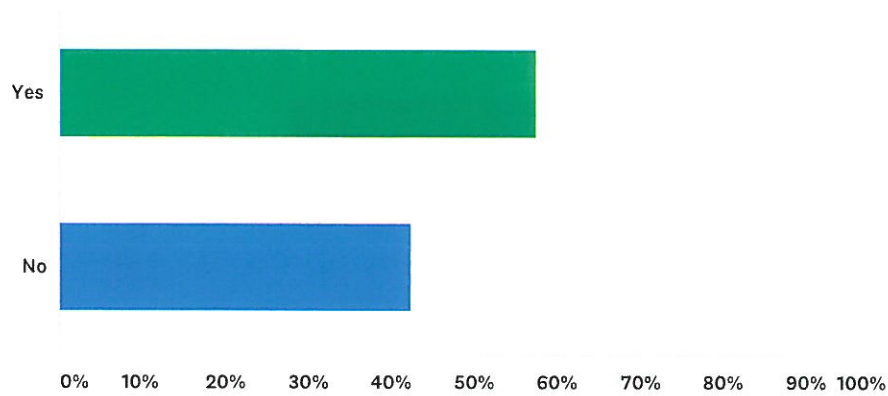
Answered: 40 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	80.00%	32
No	20.00%	8
TOTAL		40

Q19 Do you consider there is a need for the Council to limit the number of Hackney Carriage Vehicle licences granted within the district?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

57.50%

42.50%

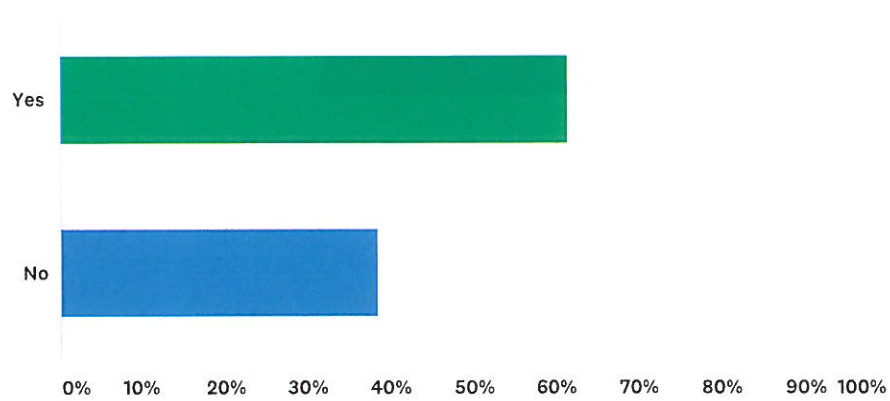
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Q20 Should all Private Hire vehicles have signage stating 'Private Hire Vehicle - Insurance invalid unless pre-booked with operator' and bearing the Council logo?

Answered: 39 Skipped: 1



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

61.54%

38.46%

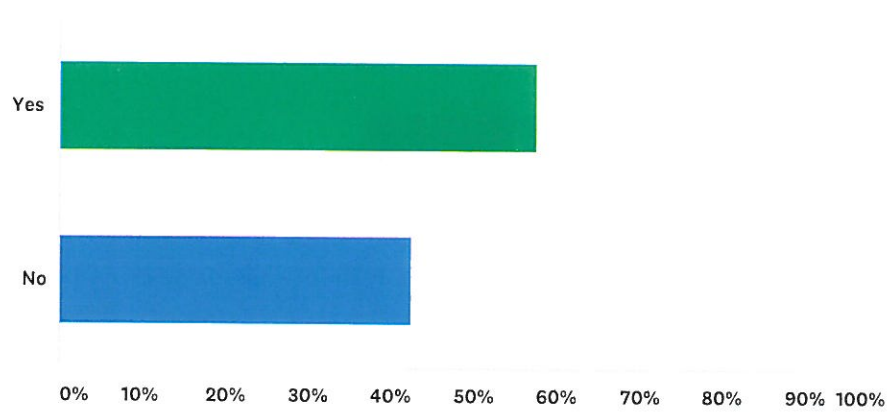
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15

39

Q21 Should Private Hire vehicles be permitted to use magnetic signage instead of fixed signage?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

57.50%

42.50%

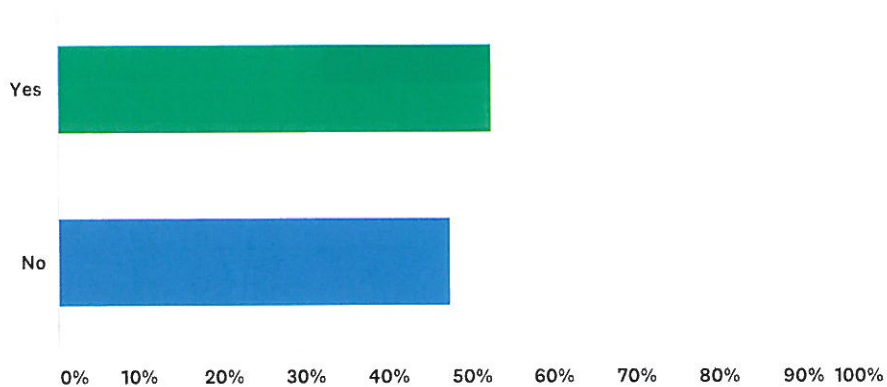
23

17

40

Q22 Should the Council change from a single set fee for an operator's licence to a sliding scale of fees based upon the number of vehicles operated?

Answered: 40 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

52.50%

47.50%

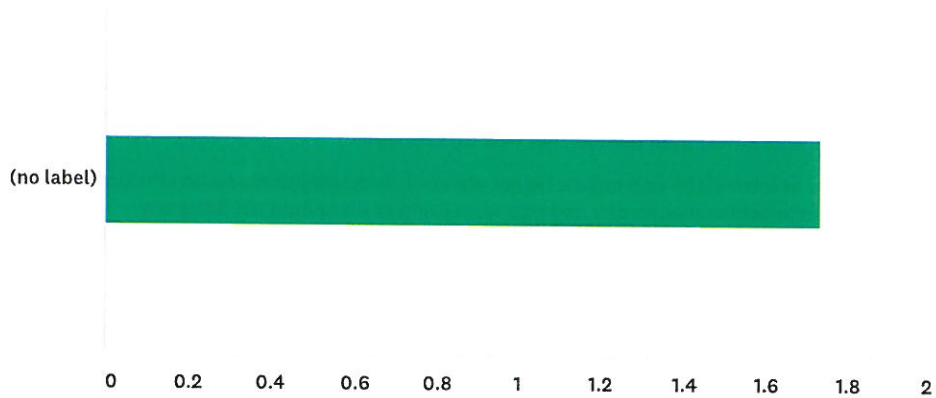
21

19

40

Q23 Do you agree that Operators should have a documented complaints procedure that can be made available to the Council upon request?

Answered: 40 Skipped: 0



	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
(no label)	47.50% 19	40.00% 16	5.00% 2	7.50% 3	40	1.73

Q24 Thank you for completing the survey. Please enter any additional comments here.

Answered: 25 Skipped: 15

#	RESPONSES	DATE
1	The practice of charging the distance to pick up people when they are not in the car should stop. This does not happen in other parts of the UK. I also had a driver this week say that as the A14 was closed he was going to add the cost of him driving back to base AFTER dropping me off on to the bill as it was longer than normal, that was Steve's taxi's	12/19/2017 2:37 PM
2	in general the taxis i use are clean and have a higher standard in maintainance so no chnages are required as that the same time the day and age were living in we should not bring any hardship to drivers as they follow the councils policy and age of vehicles should not be changed if they are changed the current vehicles should be given lee way which doesnt give them hardship	12/14/2017 10:58 PM
3	In point 3.56 the policy refers to only licencing side loading WAV's. Cambridgeshire Alliance for Independent Living (www.cail.org.uk) are aware of people who have complex disabilities and require larger wheelchairs that can only go in to a vehicle from the rear to protect them from injury.	12/14/2017 10:23 AM
4	Who will pay for the extra driver training ie writing and reading, safeguarding. Local knowledge is obsolete as they all have sat nav's	11/27/2017 10:09 PM
5	No comments	11/25/2017 9:19 PM
6	There should be one set of rules for all taxi drivers to abide my should they break the law they should loose the right to be come an operator and driver on Huntingdon district council to many sets of rules for running abusiness from home and ilegal operators from other areas running in Huntingdon District Council	11/25/2017 2:42 PM
7	Survey or policy don't talk about increasing of fares or change of tariffs as the government has announced there will be minimum pay about 10£ by the April thanks	11/23/2017 2:41 PM
8	Spot checks should be done on the vehicles for cleanliness inside, also for drivers to be wearing their l.d badges. I don't think it's a bad idea to do random drink/ drug tests.	11/22/2017 9:45 AM
9	I don't think there should be an age restriction on vehicles. It should go by the condition of each vehicle (interior & exterior) at test level also possibly some spot checks would be good to make sure it's not just made to look pretty at test.	11/22/2017 7:24 AM

- 10 There should be no additional Policy document or other document that sits either outside or alongside the existing conditions of license documents - the general public struggles as it is with understanding the existing stipulations and what they mean to them as service users, without creating further complications by the introduction of parallel documents that will only add further confusion. For this reason, the "code" referred to in Q6, should be introduced if and only if it can be incorporated into the existing conditions of license and should not sit in any separate document. Whilst I have had training as a workplace first-aider, I do not believe I should be required to accept responsibility for administering first aid to members of the public as a "trained first-aider", whether or not they are passengers in a vehicle driven by me, not least as it is unclear what liability my acts or omissions may render me liable to in either a civil or in a criminal case - see Good Samaritan provisions which may render the Samaritan liable if his/her actions (inadvertently) make the situation worse. What is the purpose of a vehicle age restriction? Any such restriction would be arbitrary as bespoke taxi vehicles are purpose designed and built for the work of a taxi in a way that ordinary motor cars and modified vehicles (vehicle manufacturers, vans and mini-buses are not. The vehicle types are not comparable and if fitness for purpose and the condition in which the vehicle is maintained is the issue, this should be dealt with by improved vehicle condition rules as part of the annual taxi test, together with random roadside inspections - I have seen on documentary programmes that other licensing councils do this, and I would argue it is far more effective at ensuring that vehicles are constantly maintained to a high standard, rather than just being made ready once a year for a test - what we all want is an affordable, as well as a clean, well presented, reliable and safe vehicle to ride in, and that's exactly what I offer my customers, despite my vehicle being older. It's not the age of my vehicle that makes it superior, it's the maintenance I see to it getting and the money I spend on maintaining its mechanicals, and importantly, it's appearance and comfort. Training in equality and related issues should not be a requirement of taxi and PH drivers, However, it should not be onerous or costly for the Council to issue drivers with information documents at license renewal and will achieve the Council's aims no less effectively. Before introducing new requirements or conditions or extending the scope of those already in place, the Council should first concentrate on active enforcement by its own officers of the existing regulations and conditions - e.g. to end the touting currently taking place on a routine and daily basis by PH drivers on days when office bookings are slow: customers won't complain if they get a ride home and aren't especially bothered that they're not insured on three short 5 - 10 minute drive - This is probably the single biggest and most frequently occurring public protection issue in the trade in Huntingdonshire District and one we must actively address if we are to jointly improve the reputation of the industry, and it can't be left solely for taxi and PH drivers to challenge and/or report the miscreants to HDC. Evidence needs to be gathered by independent officers, warnings issued and if unheeded, licences revoked - after all, the touting PH driver may not even be licensed to drive the PH car he/she is offering for hire, and without an office to provide bookings to the driver, touting would be more likely to take place, especially as many customers I have driven have been surprised to learn that I am required to wear/display an HDC issued ID identifying me to them as a licensed driver. It would also be great if, jointly with HDC, we could set up a public education programme so that service users can learn about the differences between HCs and PHs, their rights on charging and charging methods, what they should expect from their HC or PH driver etc - if we can educate our service users and raise their expectations and knowledge, regulation will become so much more effective and we will have a local service industry that adheres to standards and provides a consistent level of customer service throughout the District.
- 11/22/2017 12:41 AM
- 11 Introduce a more clearly defined and specific criteria for ensuring the quality rather than age of vehicle - maintenance is more important - there are some shocking private hire vehicles. Random roadside inspections - I've seen spare tyres being swapped at Huntingdon Dress code policy is needed Mystery shopper programme at taxi ranks Taxis are better than minicabs in my experience All taxis and minicabs should have child and booster seat
- 11/21/2017 10:28 PM
- 12 Thanks
- 11/21/2017 9:06 PM
- 13 Before granting a 3/5 year licence for drivers/operators a licence should be granted for an initial period of one year to ensure they are fit and proper before being granted a licence of a longer duration.
- 11/8/2017 10:34 AM
- 14 Minimum age for a applicant should be 25 years of age. Minimum driving experience for an applicant applying for a hacknet Carriage/Private Hire Driver's Licence should be 5 years WITHOUT any traffic related endorsements, such as dangerous driving, excessive speeding penalties
- 10/28/2017 5:04 PM
- 15 There should be a policy that covers vehicles suitable to carry disabled passengers with wheelchairs. An operator should have to have a suitable vehicle for every five normal vehicles.
- 10/26/2017 10:03 AM
- 16 age limit should not be changed as this will cause for concern drivers as vehicles that are already with plates of license if u need to change it cars with 2005 and before should not be allowed as they are old this way it helps the drivers who currently Have vehicles are newer which will bring hardship due to costs and maintainance and uncertainty in the market.
- 10/25/2017 4:23 PM

Taxi Policy Consultation

17	car age limits should not be changed as all cars owners will not be able to afford vehicles if they are changed this will bring hardship or anything vehicle before 2005 should not be in taxi.thanks	10/25/2017 4:09 PM
18	All vehicles licensed by the council must have a standard MOT test certificate like everyone else	10/22/2017 7:22 PM
19	there are too many taxis and private hire .please cap the numbers .	10/20/2017 5:25 PM
20	Too many HDC Hackney's in the Peterborough area with different company names	10/20/2017 2:15 PM
21	I disagree with the vehicles having to have a maximum age limit etc, as long as the vehicle is in roadworthy condition that's what should matter, vehicles should also be allowed to have magnetic signs on vehicles as if they are on permanently then it gives thieves a reason to break into the car!	10/18/2017 8:19 PM
22	Drivers could do with magnet signs displaying private hire in general vehicles are clean and tidy and good order	10/17/2017 3:18 PM
23	There is a problem in recruiting drivers. the applicants are there, but the process is too convoluting and expensive. I further believe that there has to be an easier way in licensing drivers. apart from the DBS, which is important, the use of third party contractors to implement the regulations to license a driver should be reviewed.	10/16/2017 11:34 AM
24	Question 20 answer would be Yes except for plate exempt executive cars. Should be an emissions limit for PH vehicles. No euro 4 vehicles.	10/4/2017 10:25 PM
25	Please consider allowing all taxis to use MyTaxi (or similar apps) for booking and to enforce that all cars (private hire + hackney) accept cards	10/1/2017 5:38 PM

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Schedule of Fees and Charges

Meeting/Date: Licensing & Protection Committee - 17th October 2018

Executive Portfolio: Executive Councillor for Operations and Regulation – Cllr M Beuttell

Report by: Head of Community – Chris Stopford

Ward(s) affected: All

Executive Summary:

To acquaint Members with adjustments to fees and charges for licences and associated charges issued by the District Council effective from 1st December 2018 following legislative changes in Hackney Carriage and Private Hire licensing introduce 3yr licences for drivers and 5yr licences for Operators, along with changes to fees for Animal Welfare Licensing.

Recommendation:

It is recommended –

that the Panel notes the adjustments to fees and charges for licences issued by the District Council which come into effect from 1st December 2018.

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1. WHAT IS THIS REPORT ABOUT?

- 1.1 The purpose of this report is to inform Members of the Panel with details of revised fees and charges for the 2018/19 for Taxi licensing service and Animal Welfare Licensing.

2. BACKGROUND

Taxi Licensing

- 2.1 The Local Government (Miscellaneous provisions) Act 1976 Part II and the Town Police Clauses Act 1847 permit for the charging of fees for the grant of Hackney Carriage and Private Hire licences such fees should be set with the aim of full cost recovery of the service.
- 2.2 The Deregulation Act 2015, introduced April 2016 set a standard duration of Three years for driver licences and 5 years for Operator licences a review of the current fees charged.
- 2.3 This report arises from the need to look at new fees in detail to facilitate change from 1 year licences for operators and drivers to the move to 3 and 5 year licences respectively, however some additional charges have been reviewed and amended to reflect the real cost of issuing replacement badges and conducting DVLA checks.
- 2.4 As part of the new taxi licensing policy currently subject to committee approval it is proposed to introduce a Knowledge/ Competency Test, therefore a new fee for this is included in the report subject to adoption.

Animal Licensing

- 2.5 Animal Welfare has been licensed under a range of legislation all introduced independently over a number of years since the 1950`s. Areas covered include :-
- Animal Boarding
 - Pet Shops
 - Dog Breeding
 - Dangerous Wild Animals
 - Riding Stables
- 2.6 Central Government has now introduced new legislation bringing all parts of animal licencing under one new piece of legislation, namely The Animal Welfare Act 2018.
- 2.7 This new piece of legislation updates existing statute and clarifies the law on some areas that have been developing significantly over recent years such as the provision of day care for dogs.
- 2.8 The new legislation specifies that authorities must allow for licences to last for up to 3 years (currently annually) on a risk based approach following a formal inspection.
- 2.9 This change means that we as an authority need to review our current fees and charges to reflect the change and to ensure that our processes are aimed at full cost recovery.

- 2.10 All fees will be reviewed annually to ensure that cost recovery remains our key aim.

3. ANALYSIS

- 3.1 Fees and charges for functions and services undertaken by the Licensing section in respect of Hackney Carriage, Private Hire and Animal Licensing are reviewed on a regular basis to ensure full cost recovery.
- 3.3 In carrying out this review we have adopted a new model to calculate fees that reflects the service costs more effectively and allows a benchmark with other authorities.
- 3.4 The actual full year costs and income from fees will be monitored over a rolling two-year cycle in order to ensure they accurately reflect the cost of running the service.
- 3.2 Under the Council's Code of Financial Management, the Manager is responsible for reviewing and varying fees and charges annually within their remit, after consultation with the Executive Councillor and Chairman of the Panel. Consequently the revised Schedule of Fees and Charges attached at Appendix A is appended for information only.
- 3.3 All Council Fees & Charges are usually reviewed in the Autumn preceeding the financial year in question so decisions on Fees & Charges can be built into the budget preparation process.

3. LEGAL IMPLICATIONS

- 3.1 Fees need to be advertised and therefore may be challenged.

4. RESOURCE IMPLICATIONS

- 4.1 The duties are already performed by existing staff within the Licensing Section.
- 4.2 For future year, all Fees & Charges will be determined as part of the normal budget setting process.

5 REASONS FOR THE RECOMMENDED DECISIONS

- 5.1 To make the Panel aware of the adjustments to fees and charges it is recommended –

that the Panel notes the adjustments to fees and charges for licences issued by the District Council which came into effect from 1 December 2018.

APPENDICES

Appendix A – Licensing and Protection Committee Fees and Charges

BACKGROUND PAPERS

Schedule of Fees and Charges.

CONTACT OFFICER

LICENSING AND PROTECTION COMMITTEE

FEES AND CHARGES

1st December, 2018 – 31st March, 2019

LICENCES

Estimated	2017/18	As of 01/12/18	
	£	£	
(a) Hackney Carriage and Private Hire Vehicles			
<u>Driving Licences</u>			
Initial Issue	81.00	175.00	3 yrly licence
Renewal	46.00	120.00	3 yrly licence
DVSA check	1.00	7.00	
Knowledge & Competency test	0.00	55.00	
Replacement badge/Licence	N/A	10.00	
1yr Licence (where determined by delegation)	N/A	81.00	
Safeguarding training	N/A	30.00	
<u>Vehicle Licences (valid 1 year)</u>			
Private Hire Initial grant	246.00	256.00	*Incl signs
Private Hire Renewal	246.00	195.00	
Hackney Carriage initial grant	246.00	256.00	* Incl signs
Hackney Carriage Renewal	246.00	195.00	
Garage test Hackney Carriage	N/A	60.50	Incl meter test
Hackney Carriage meter test	15.00	15.00	
Garage CoC test Private Hire	N/A	45.50	
re-test	Cost+	45.50	
Admin Fee	5.00	N/A	Split to tasks
Replacement Brackets	N/A	15.00	
Replacement of plates	14.00	20.00	
Transfer of interest	7.00	20.00	
Door signs – magnetic	N/A	20.00	Per pair
Door signs – permanent	N/A	15.00	Per pair
<u>Private Hire Operator's Licences:</u>			
Initial Issue	118.00	495.00	5yrly licence
Renewal :	118.00	400.00	5yrly licence
1yrly licence where permitted)	118.00	125.00	
Driver's Identification Badges:			
Change of name/address/vehicle detail etc	N/A	£10.00	

*fee includes permanent affixed signs, for magnetic signs add £10.00

(b) Animal Activity Licensing

**** Any Vets fees that may be required are NOT included in these fees, Vets costs will be charged at actual costs incurred**

Type of Licence	Fee Type	1 Year	2 Year	3 Year	Licence Variation	Re-Inspect
Animal boarding						
0 - 5 Animals	Application	£130	£130	£130	£130	£80
	Licence	£110	£160	£190		
	Total	£240	£290	£320		
6 - 25 Animals	Application	£140	£140	£140	£140	£100
	Licence	£170	£190	£210		
	Total	£310	£330	£350		
26 - 50 Animals	Application	£150	£150	£150	£150	£120
	Licence	£230	£240	£260		
	Total	£380	£390	£410		
50+ Animals	Application	£170	£170	£170	£170	£140
	Licence	£270	£290	£310		
	Total	£440	£460	£480		
Dog Breeding						
0 - 5 Animals (only pay £120 if also applying for Animal Boarding)	Application	£130	£130	£130	£130	£80
	Licence	£110	£150	£170		
	Total	£240	£280	£300		
6 - 25 Animals (only pay £120 if also applying for Animal Boarding)	Application	£140	£140	£140	£140	£100
	Licence	£170	£190	£210		
	Total	£310	£330	£350		
25 + Animals (only pay £120 if also applying for Animal Boarding)	Application	£150	£150	£150	£150	£120
	Licence	£220	£240	£250		
	Total	£370	£390	£400		
Selling animals as pets						
Animals as pets (Add £50 for each species of any Dangerous Wild Animal if applicable)	Application	£140	£140	£140	£140	£80
	Licence	£110	£110	£110		
	Total	£250	£250	£250		
Hiring out Horses						
0 - 5 Animals	Application	£130	£130	£130	£130	£80
	Licence	£120	£170	£210		

Type of Licence	Fee Type	1 Year	2 Year	3 Year	Licence Variation	Re-Inspect
	Total	£250	£300	£330		
6 - 25 Animals	Application	£140	£140	£140	£140	£100
	Licence	£210	£220	£240		
	Total	£350	£360	£380		
26 + Animals	Application	£150	£150	£150	£150	£120
	Licence	£110	£110	£110		
	Total	£400	£420	£450		
Exhibiting / Performing Animals						
Any number of animals	Application	N/A	N/A	£130	£120	N/A
	Licence			£140		
	Total			£270		
Dangerous Wild Animals						
1 Species (Add £50 per additional species on application or variation)	Application	N/A	£395	N/A	£195	N/A



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Agenda Item 6

Public
Key Decision – No

Subject Matter: LICENSING AND PROTECTION SUB-COMMITTEE

Meeting/Date: Licensing and Protection Committee – 17 October 2018

Executive Portfolio: Councillor M Beuttell, Executive Councillor for Operations and Regulation

Report by: Elections and Democratic Services Manager

1. INTRODUCTION

1.1 The Licensing Sub-Committee comprising four Members of the Licensing and Protection Committee is convened when necessary to determine such matters in the case of an individual licence or application which has not been delegated to officers. Below is a summary of the meetings that have taken place since the last meeting of the Committee. Full Minutes are available on request.

Meeting Date	Chairman	Application	Determination
27 June 2018	S Criswell	Renewal Application for a Hackney Carriage and Private Hire Licence	Refused and Private Hire Operators Licence revoked.
		Renewal Application for a Hackney Carriage and Private Hire Licence	Granted
		Renewal Application for a Hackney Carriage and Private Hire Licence	Refused.
		Complaint against Existing Hackney Carriage and Private Hire Driver	Written Warning
11 July 2018	J Clarke	Complaint against Existing Hackney Carriage and Private Hire Driver	Suspension for 6 Months
		New Application for a Hackney Carriage and Private Hire Licence	Granted.
		New Application for a Hackney Carriage and Private Hire Licence	Deferred to permit a further opportunity for the applicant to attend.
		New Application for a Hackney Carriage and Private Hire Licence.	Refused.
25 July 2018	S Criswell	Complaint against Existing Hackney Carriage and Private Hire Driver	Written Warning.
		New Application for a Hackney Carriage and Private Hire Licence	Refused.

12 September 2018	S Criswell	New Application for a Hackney Carriage and Private Hire Licence.	Granted.
		New Application for a Hackney Carriage and Private Hire Licence.	Granted.
10 October 2018	S Criswell	Renewal Application for a Hackney Carriage and Private Hire Licence	Verbal Report.
		New Application for a Hackney Carriage and Private Hire Licence.	Verbal Report.
		New Application for a Hackney Carriage and Private Hire Licence.	Verbal Report.
		Renewal Application for a Hackney Carriage and Private Hire Licence	Verbal Report.

2. RECOMMENDATION

- 2.1 The Committee are invited to note the above information.

BACKGROUND PAPERS

Agenda and Minutes of the Licensing and Protection Sub-Committee.

Contact Officer: Mrs C Bulman, Democratic Services - ☎ 01480 388234.