

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held in the **CIVIC SUITE (LANCASTER/STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **WEDNESDAY, 15 MAY 2024** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

AGENDA

APOLOGIES

1. MINUTES (Pages 5 - 12)

To approve as a correct record the Minutes of the meeting of the Licensing and Protection Committee held on 25th January 2024.

Contact Officer: Democratic Services - (01480) 388169

2. MEMBERS INTERESTS

To receive from Members declarations as to disclosable pecuniary, other registerable and non registerable interests in relation to any Agenda Item. See Notes below.

3. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (Pages 13 - 164)

To consider the responses received during the public consultation and approve a new Hackney Carriage and Private Hire Licensing Policy for the District Council.

Contact Officer: W Dell'Orefice- (01480) 387075

4. BUSINESS AND PLANNING ACT 2020 - PAVEMENT LICENCE (Pages 165 - 180)

To consider a report by the Licensing Managing outlining changes to the temporary pavement licensing regime under the Business and Planning Act 2020 and the impact of the changes to this regime made by the Levelling-Up and Regeneration Act 2023.

Contact Officer: M Bishop - (01480) 387075

5. **MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS** (Pages 181 - 190)

To consider the monitoring report on the delivery of Service Plans for Food Law Enforcement and Health and Safety Regulation for Quarter 4.

Contact Officer: K Penn - (01480) 388302

6. **SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2024-25** (Pages 191 - 212)

To consider the draft Service Plan for Food Law Enforcement 2024-25.

Contact Officer: K Penn - (01480) 388362

7. **SERVICE PLAN FOR HEALTH AND SAFETY REGULATION** (Pages 213 - 226)

To consider the draft Service Plan for Health and Safety Regulation 2024-25.

Contact Officer: Kate Penn - (01480) 388362

8. **SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES** (Pages 227 - 230)

To consider a report on actions taken under the powers delegated by the Licensing and Protection Committee.

Contact Officer: Licensing Team - (01480) 387075

9. **LICENSING AND PROTECTION SUB COMMITTEES** (Pages 231 - 232)

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

Contact Officer: Democratic Services - (01480) 388169

7th day of May 2024

Michelle Sacks

Chief Executive and Head of Paid Service

Disclosable Pecuniary Interests and other Registerable and Non-Registerable Interests.

Further information on [Disclosable Pecuniary Interests and other Registerable and Non-Registerable Interests](#) is available in the Council's Constitution

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Please contact Democratic Services, Tel: 01480 388169 / email: Democratic.Services@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.

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](#).

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 the CIVIC SUITE (LANCASTER/STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN on Thursday, 25 January 2024

PRESENT: Councillor C H Tevlin– Vice - Chair.

Councillors M L Beuttell, S Bywater, J Clarke, A E Costello, S J Criswell, S W Ferguson, S A Howell, P Kadewere and D Terry.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors B S Banks and P A Jordan.

17 MINUTES

The Minutes of the meeting held on 27th September were approved as a correct record and signed by the Chair.

18 MEMBERS INTERESTS

No declarations were received.

19 AIR QUALITY REVIEW AND ASSESSMENT

The Committee considered a report by the Environmental Health Officer (a copy of which is appended in the Minute Book) inviting Members to consider the revocation of three Air Quality Management Areas (AQMAs) within the District.

By way of background, Members were informed that the Council continually review and assess air quality. The Authority currently have four AQMAs in place which were declared in 2005/06 due to increasing Nitrogen Dioxide levels within the District. However, as air quality standards had fallen well below the annual objective levels for over ten years in three of the four areas, it was now proposed to revoke the designation of AQMA in St Neots, Brampton and Hemingford to Fenstanton. This was in line with guidance produced by the Department for Environment, Food and Rural Affairs (DEFRA).

Should the revocation be approved, the Committee were advised that air quality monitoring would continue to be undertaken for these areas, details of which would continue to be made available on the District Council website. If levels were found to deteriorate, leading to breaches of the air quality objectives the District Council would have a duty to declare a further AQMA. However, currently there were no concerns that this would be the case.

In outlining his support for the proposal, the Executive Councillor for Customer Services Councillor S Ferguson commented on several potential reasons for the decline in nitrogen dioxide levels. These included government legislation and

targets and increasing societal concern at the impact of air quality pollution. However, he emphasised the importance of continuing to monitor air quality within the District and taking the necessary action accordingly.

Whereupon, it was

RESOLVED

that the Environmental Health Manager be authorised to take appropriate steps to

- a) revoke the St Neots Air Quality Management Area;
- b) revoke the Brampton Air Quality Management Area; and
- c) revoke the Hemingford to Fenstanton Air Quality Management Area.

20 REVIEW OF FIXED PENALTY NOTICES 2023/24

Following the introduction of new regulations in July 2023 and with the assistance of a report by the Community Protection and Enforcement Team Leader (a copy of which is appended in the Minute Book) the Committee reviewed the Fixed Penalty Notices (FPNs) available to the District Council for environmental crimes.

By way of introduction, the Committee were informed that the Department for Environment, Food and Rural Affairs (DEFRA) had undertaken a consultation in 2023 regarding the amounts paid for Fixed Penalty Notices (FPNs). Proposals were now being put forward to revise the current fixed penalty for offences related to littering, fly tipping and household waste duty of care.

The Committee were advised that it was proposed to adopt a tiered approach consistent with the offence, to offer a discount of 25% for early payment and also extend the period during which a payment for FPNs can be made. Attention was drawn to paragraphs 3.2 and 3.3 of the report which set out the current levels of fines and the proposed changes for littering, fly tipping and household duty of care offences. Details of the levels of littering and fly-tipping which would comprise each tier were also provided.

In opening the discussion, the Executive Councillor for Customer Services Councillor S Ferguson reiterated that environmental crime continued to pose a serious problem for the District and outlined his support for the proposals. He also referred to the fervour with which littering, and fly tipping continued to be investigated by the Authority and his recent positive day out, on the job with the enforcement team investigating offences.

In terms of the level of fines proposed and the extent to which they compared with neighbouring authorities; the Committee were advised that a standard approach had been agreed countywide with some variations to acknowledge local differences. Members were also advised that discussions had been held with Peterborough City Council in recognition of the fact that most of fly tips within the northern corridor of the District come from Peterborough.

Councillor S Criswell expressed concern at the proposal to offer a 25% discount to those that pay within fourteen days rather than twenty-eight. In explaining the rationale for this decision, the Committee were informed that this had been designed to encourage more individuals to pay the FPN and settle their case outside of court. Members were also reminded that the guidance produced by DEFRA specified that local authorities could not gain a financial incentive from the receipt of FPN's. Consequently, any receipts could only be used for the prevention, detection, and investigation of environmental crime.

With regards to the potential for non-payment of fines, Councillor S Bywater queried whether there was a potential that this might increase should the amount of the fine be increased. In response to which, Members noted that the new levels would be used as a template for the courts to match. In court cases efforts were always made recover 100% of costs including the clearance of the fly tip, officer, and legal time. The Committee were also advised that there were certain circumstances where a Fixed Penalty Notice would not be offered, and a more appropriate response would be to allow the magistrates to decide and grant a more severe punishment.

In response to Councillor P Kadewere comments about the need for additional signage in certain areas to warn of the consequences of littering and fly tipping, Members were asked to contact the team to alert them of any hotspots. Having noted that that work was also undertaken to place signage in areas owned by social landlords, Councillor A Costello drew attention to the problems of littering in Slade Dyke in Ramsey. In response to which and considering the potential for flooding in the area, Officers agreed to undertake a targeted awareness raising campaign in this area.

Having noted that the number of Fixed Penalty Notices issued in any one year was dependent on the weight and quality of evidence available, the Committee went on to discuss the ways in which the Council publicise that FPNs could be issued for environmental crime. Members were advised that steps were taken to publicise successful prosecutions and the discovery of large fly tips. The team also regularly promoted a list of best practice to householders to use when selecting traders to dispose of their waste. Details relating to the number of FPNs issued were included in an annual basis within the Council's Corporate Plan. Arising from which, Councillor M Beuttell suggested that it may be useful to involve Town and Parish Councils to advertise the risks of receiving a penalty.

With regards to the use of social media, comment was also made about a potential role for District Councillors to report rogue traders who were active on social media to the Community and Protection Enforcement Team. Having acknowledged that householders who use the services of rogue traders could receive a penalty for not following duty of care, Councillor S Howell enquired whether there was any infographics that they could share on their own social media pages to warn their residents. In response to which, officers agreed to also circulate this to Town and Parish Councils. Members also acknowledged that should the proposals be approved a wide-spread media campaign would be undertaken to explain the principles of duty of care.

With reference to the forthcoming changes in the District Council's collection service for garden waste, Councillor C H Tevlin sought assurance regarding the monitoring of fly-tipping within the District. Having noted that monitoring would

continue and any increase in green waste would be highlighted to the Operations Team, the Executive Councillor for Customer Services agreed that it would be beneficial to monitor this more formally and requested that further consideration be given to a metric which might be reported as part of quarterly performance reports.

In drawing the discussion to a close the opportunity was taken to raise issues with dog fouling in the District. Members were reminded that the Public Spaces Protection Order (PSPO) for Dog Control had been approved at the last meeting of the Committee and that fines for dog fouling were set by Anti-Social Behaviour legislation. Members with ward specific issues were encouraged to provide information to the Community Protection and Enforcement Team for further investigation. In terms of the availability of signage warning of potential of fines for dog fouling, the Committee were informed that new QR coded signage had just been created to highlight the rules and restrictions of the PSPO. Members were encouraged to advise the team of any locations or hotspots where these might be required.

Whereupon and having indicated their support for the proposals, the Committee

RESOLVED

- a) that the new higher value and tiered levels of Fixed Penalty Noticed for offences related to littering, fly-tipping and household waste duty of care be adopted;
- b) that recipients of Fixed Penalty Notices be offered the option of a 25% discount against the value of the Fixed Penalty Notice for early payment; and
- c) that the payment period for Fixed Penalty Notices for littering, fly-tipping and house waste duty of care be amended to 28 days and the early payment (discounted Fixed Penalty Notice level) period to 14 days.

21 MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS

With the assistance of a report by the Environmental Health Service Manager (a copy of which is appended in the Minute Book) the Committee received and noted an update on progress made against the delivery of work on the Council's Food Law and Health and Safety Service Plans during the second and third quarter of 2023/24.

With regards to the Food Law Enforcement Plan, the Committee were advised that the focus of the Plan continued to be the planned routine inspections of food businesses. Within this in mind, Members were advised that 319 food hygiene inspections had been carried out during Quarter 2 and 3, which gave a total of 504 for the year to date and the service was on target to meet its predicted activity levels.

Progress made against the inspection of premises categorised under the Alternative Enforcement Strategy remained at Red, however officers were

pleased to report that work on this area had now started and initial contact had been made with 157 premises.

The Committee were informed that the number of revisits to check compliance following a food hygiene inspection was slightly higher than expected over the two quarters. However, this was the likely impact of the suspension of the inspection programme during the Covid pandemic and the associated backlog.

The Committee were also informed that the Authority had continued to take part in the UK Health Security Agency's sampling study. The topics had been 'Ready to Eat Salad and salad components' and 'Cooked Ready to Eat Sliced or Cut Meat'. As a result of which, some unsatisfactory notifications had been passed on to the Food Standards Agency regarding products which had been made elsewhere.

It was also reported that there had been a slight increase in the level of activity regarding infectious disease control following of a cluster of cryptosporidium cases in the Eastern Region. As a result of which, the Authority had been asked to conduct further enquiries on behalf of the UK Health Security Agency regarding any cases found in the Huntingdonshire area.

With regards to Health and Safety activity during the two quarters, it was noted that 9 accidents out of 26 reported had been investigated in line with the criteria provided by the Health and Safety Executive. A further 75 other service requests had been responded to, the majority being licensing consultations. A range of health and safety advice has also been given to event organisers through the Safety Advisory Group.

In discussing the contents of the report, clarification was sought and provided on those businesses which were categorised as a 'Category B' premises, together with the 66 that did not form part of the rating programme. The Executive Councillor for Customer Services, Councillor S Ferguson also took the opportunity to congratulate the Environmental Health Services Manager for the performance achieved by the Environmental Team.

a) LICENSING AND PROTECTION COMMITTEE - SCHEME OF DELEGATION TO OFFICERS

With the assistance of a report by the Community Services Manager (a copy of which is appended in the Minute Book) the Committee were invited to consider an updated scheme of delegation between the Licensing and Protection Committee and the Council's Officers to reflect amendments in the Environmental Health, Community Protection and Enforcement Service.

The Committee were advised, that since the scheme had last been approved there had been a number of structure changes across the organisation, meaning that previously used job titles no longer existed. Approval was now being sought for the scheme to be updated such that it reflected these amendments. Members were also advised that there had been changes to the powers listed within the scheme.

Whereupon, it was

RESOLVED

- a) that the scheme of delegation from the Licensing and Protection Committee to Officers be approved;
- b) that the Community Services Manager be authorised to make minor editorial changes, which by definition make no change to the powers of delegations;
- c) that the Community Services Manager, after consultation with the Chair and Vice-Chair be authorised to make changes as a result of revocations, amendments or enactment of relevant statutory provisions; and
- d) that the Community Services Manager be authorised to appoint such suitable qualified officers as deemed appropriate to exercise those duties delegated to him/her.

b) LICENSING AND PROTECTION COMMITTEE - SCHEME OF DELEGATION TO OFFICERS

With the assistance of a report by the Community Services Manager (a copy of which is appended in the Minute Book) the Committee were invited to consider an updated scheme of delegation between the Licensing and Protection Committee and the Council's Officers to reflect small legislative changes and changes in management in the licensing service.

The Committee were advised, that since the scheme had last been approved there had been a number of structure changes across the organisation, meaning that previously used job titles no longer existed. Approval was now being sought for the scheme to be updated such that it reflected these amendments, together with a number of minor legislative changes including the introduction of the 2018 Animal Welfare Act.

The Licensing Manager highlighted that this report dealt with delegations relating to animal welfare, taxis and street trading. Delegations relating to the Licensing and Gambling Acts would be considered at the meeting of the Licensing Committee shortly.

Whereupon, it was

RESOLVED

- a) that the scheme of delegation from the Licensing and Protection Committee to Officers be approved;
- b) that the Community Services Manager be authorised to make minor editorial changes, which by definition make no change to the powers of delegations;
- c) that the Community Services Manager, after consultation with the Chair and Vice-Chair be authorised to make changes as a result of revocations, amendments or enactment of relevant statutory provisions; and

- d) that the Community Services Manager be authorised to appoint such suitable qualified officers as deemed appropriate to exercise those duties delegated to him/her.

23 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee were informed that the review of the Hackney Carriage and Private Hire Licensing Policy had now been completed and a draft was expected to be issued for an eight-week consultation within the next couple of weeks. It was currently expected that the outcome would be considered by the Licensing and Protection Committee at their meeting in May 2024.

Having undertaken to circulate a copy of the draft policy to all members once it was available, the Licensing Manager outlined some of the areas that had been considered as part of the review and encouraged Committee Members to comment and share the consultation with others as part of the consultation process.

24 SUSPENSION & REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

With the assistance of a report by the Licensing Team (a copy of which is appended in the Minute Book) the Committee received and noted the details of actions which had been taken under delegated authority during the period 11th September 2023 to 10th January 2024.

The Committee were pleased to note that the number of cases in which action had been required was lower than in previous reports, which it was hoped was a positive reflection on the action being taken by the Authority.

Chair

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Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Meeting/Date: Licensing & Protection Committee – 15/05/2024

Executive Portfolio: Executive Councillor for Customer Service–
Councillor Stephen Ferguson

Report by: William Dell'Orefice (Licensing Officer)

Ward(s) affected: All Wards

Executive Summary:

This report provides the Licensing & Protection Committee with the draft Hackney Carriage and Private Hire Licensing Policy 2024, attached as **Appendix 1**. The draft policy is submitted for approval and addresses new and recent statutory duties placed upon the Council. It provides an opportunity to re-visit a number of existing areas of policy adopted in 2021, either by introducing new or removing existing standards and conditions.

All proposed changes are detailed in the 'Policy Tracking Changes' (**Appendix 2**) and 'Appendix Tracking Changes' (**Appendix 3**) documents.

The public consultation took place between 30th January 2024 and 25th March 2024 and 31 responses have been detailed in three appendices: Responses - Driver conditions (**Appendix 4**), Responses - Vehicle Conditions (**Appendix 5**), Responses - Private Hire Operator Conditions (**Appendix 6**). These appendices also detail the Licensing Team's comments on the responses.

If approved by the Committee, the final policy, with any amendments made, will be adopted and implemented from the 03rd June 2024, with certain conditions being implemented at a later, specified date. Further details of implementation can be found in Section 5 of this report.

The changes proposed are in-keeping with both regulatory codes of conduct, statutory guidance and the Council's Corporate Plan. All costs associated with the implementation of this policy will be financed from the receipt of licence fees.

Recommendation(s):

The Committee is recommended to consider the draft policy documents and the responses received during the public consultation and approve the Hackney Carriage & Private Hire Licensing Policy to take effect from the 03rd June 2024.

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to allow members of the Licensing & Protection committee the opportunity to review and approve the draft Hackney Carriage and Private Hire Licensing Policy. The report provides full details of the changes, a summary of all responses and recommended alterations.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Hackney Carriage and Private Hire Licensing Policy was first introduced in 2018 and part of its implementation was an agreement to review the policy every 3 years. The statutory guidance recommends a review period of every 5 years and approval of this policy will seek to review the subsequent policies in line with this guidance.
- 2.2 A subsequent review of the policy and alterations were approved in 2021. Since then, there have been several introductions of new legislation and statutory guidance. There has also been an economic downturn due to impact of COVID lockdowns and global conflicts.
- 2.3 The review of this policy is necessary to review and implement, where appropriate, changes to reflect the current guidance and changes to legislation. It also allows a review of the economical impact of conditions that may present themselves as a barrier to the licensing team providing a fair and reasonable service for the trade.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 Statutory guidance advises licensing authorities to review and implement recommendation into their licensing policy. The Council are obliged to give regards to these recommendations and guidance but do have discretion to deviate from guidance where appropriate. The summary of responses include rationale for any such deviation.
- 3.2 Consideration has been given to the impact on protecting the public, the livelihood of the licensed trade, the ability to provide a reliable and cost effective service.

4. KEY IMPACTS / RISKS

- 4.1 The draft Hackney Carriage and Private Hire Licensing Policy will have several impacts that benefit the public, the licensed trade and the licensing team. The changes to the policy will enable a clear, concise and more consistent policy with several ambiguous conditions amended or removed.
- 4.2 If approved, the policy will remove barriers to licensing, increase enforceability of conditions to safeguard the public and ensure the service remains cost-effective.

- 4.3 The risk of not improving and implementing the advised Government guidance could see a greater risk to the public, a reduction in providing a cost effective service and legal challenge.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 It is proposed that the final approved Hackney Carriage and Private Hire Licensing Policy will be implemented from the 03rd June 2024.
- 5.2 The proposed conditions for setting an emissions standard for grant of a renewal vehicle licence allows for a graduated implementation and full implementation will be determined by the proposal approved by Committee.

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

- 6.1 The proposals in the draft policy directly link to the three priorities listed in the Corporate Plans: Improving quality of life for local people, Creating a better Huntingdonshire for future generations, Doing our core work well.
- 6.2 The proposals aim to reduce carbon emissions, provide an increase in available wheelchair accessible vehicles to aid in social mobility, limit unnecessary barriers to trade, provide a more efficient, robust and cost effect licensing service and to promote a safe and secure taxi service.

7. CONSULTATION

- 7.1 The draft Hackney Carriage and Private Hire Licensing Policy public consultation took place between 30th January 2024 and 25th March 2024. The Council website was updated with a dedicated page showing the draft proposals and direct communication was sent to all licence holders, the county education transport team, Cambridgeshire Constabulary, neighbouring local authorities, Huntingdon Businesses Against Crime (HBAC), Environmental Health, Community Resilience and district councillors. The consultation was also published in the HDC Town and Parish Newsletter on two separate occasions.
- 7.2 All responses have been detailed in three appendices: Responses - Driver Conditions (**Appendix 4**), Responses - Vehicle Conditions (**Appendix 5**), Responses - Private Hire Operator Conditions (**Appendix 6**).
- 7.3 The appendices also detail the Licensing Team's comments to the responses for review and consideration of the policy. There are areas where a proposal condition has received mixed response, and the Committee will need to determine which option is preferred. There are also conditions whereby the responses received are in objection and comments have been made providing alternatives to the condition which considers the concerns raised.

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. An improved policy will clearly state the way in which the Council will undertake its statutory duties.

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 may need to be borne by the applicant and will be considered in the annual fee review.

10. ENVIRONMENT AND CLIMATE CHANGE IMPLICATIONS

- 10.1 Based on data current to the date of this report, approximately 15% of all licensed vehicles are manufactured before 01st January 2011. If the proposed conditions restricting the re-licensing Euro 4 are approved, these vehicles would need to be replaced with lower polluting Euro 5 or 6 vehicles.

11. OTHER IMPLICATIONS

- 11.1 As part of this policy review an equality impact assessment will be undertaken.

12. REASONS FOR THE RECOMMENDED DECISIONS

- 12.1 Approval of the draft Hackney Carriage and Private Hire Licensing Policy will create a clear, easily accessible document which sets out the standards for taxi and private hire licensing that will add benefit to both the licensed trade as well to the licensing team in ensuring public safety.

13. LIST OF APPENDICES INCLUDED

- Appendix 1 – Draft Hackney Carriage and Private Hire Licensing Policy 2024
- Appendix 2 – Policy Tracking Changes
- Appendix 3 – Appendix Tracking Changes
- Appendix 4 – Responses – Driver Conditions
- Appendix 5 – Responses – Vehicle Conditions
- Appendix 6 – Responses – Private Hire Operator Conditions

14. BACKGROUND PAPERS

- [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022 - GOV.UK \(www.gov.uk\)](#)
- [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](#)
- [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](#)
- [Councillor Handbook: Taxi and PHV Licensing | Local Government Association](#)
- [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](#)

CONTACT OFFICER

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Draft Hackney Carriage & Private Hire Licensing Policy 2024 - 2029

Revised 29/01/2024

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Definitions

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	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	The date shown as the date of first registration on the vehicle's V5 logbook issued by DVLA
DBS	Disclosure and Barring Service
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
Hackney Carriage Vehicle	A vehicle licensed under the 1847 Act commonly referred to as a taxi
HDC	Huntingdonshire District Council
Licence Plate	The plate which licensed vehicles must display which shows the licence number, the maximum number of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle
Licensed Driver	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
Licensing and Protection Committee	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 Act	Legislation governing road regulation of vehicles, licensing and insurance
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
Table of Fare	Is a notice 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
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 in :-
The 1976 Act	The Local Government (Miscellaneous Provisions) Act 1976

The Council	Refers to 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

Section 1

Introduction

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 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 over-riding 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.

2 Introduction - Aims

- 2.1 The Department for Transport Best Practice Guide and statutory guidance including any relevant updates 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:
- 2.2 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, policy and conditions, along with health and fitness to fulfil the role of a licensed driver and the suitability of operators.

- 2.3 Vehicle specifications, safety, comfort and access; to include appearance and accessibility and the suitability of the vehicle proprietor.
- 2.4 The prevention of crime and disorder: including working with the Police and other relevant agencies, operation of planned and unplanned compliance and enforcement programmes.
- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 This policy is not a comprehensive statement of the law and applicants, licence holders or other interested parties should always obtain their own legal advice if they are unsure of the requirements of legislation.

3 Introduction - Powers and duties

- 3.1 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.
- 3.2 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.
- 3.3 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,*
- *Department for Transport Statutory Guidance*
- *Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England*
- *Institute of Licensing Guidance - Safe and Suitable,*
- *Taxi and Private Hire Vehicles (Disabled Person) Act 2022,*
- *Safeguarding and Road Safety Act 2022*

4 Introduction - Consultation and Revision

4.1 This policy and annexes will be kept under review and revised as appropriate, in any event, not more 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.

4.2 Any consultation will normally include the following parties:

- *Huntingdonshire Hackney Carriage Representatives,*
- *Huntingdonshire Licenced Hackney Carriage and Private Hire Drivers and Vehicle Proprietors,*
- *Huntingdonshire Licenced 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*

4.3 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

4.4 Any consultation will normally appear on the Council’s website advising the nature and duration of the consultation

5 Introduction – Implementation

This policy will take effect from **TBA** and will override and supersede all existing Council policy and guidance in relation to Hackney Carriage and Private Hire Licensing.

- 5.1 The Authority expects all current 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.
- 5.2 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.
- 5.3 Administrative amendments to this Policy (required by virtue of legislative changes, revised statutory guidance, a Council restructure or administrative procedural changes) may be made by the Licensing Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.

6 Introduction - The Licensing Regime

- 6.1 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:
 - 6.2 Hackney Carriage and Private Hire Driver Licences (Driver Badge) - This authorises an individual to carry out the function as the driver of a Licenced Vehicle. All drivers are assessed to ensure they're 'safe and suitable' to carry out such a function before any licence is issued.
 - 6.3 A Hackney Carriage Vehicle, (HCV) commonly known as a 'Taxi' is a vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means it can stand at a taxi rank within the district and be approached by members of the public or be hailed in the street by members of the public, for immediate hire.
 - 6.4 A Private Hire Vehicle (PHV) with no more than 8 passenger seats and must be booked in advance of a journey, through a private hire operator. A PHV must not stand at a rank or be hired in the street for immediate use. To do so is an offence and would likely invalidate any insurance policy.
 - 6.5 A Private Hire Operator Licence (PHO) - This authorises an individual or company to operate a business of taking bookings for journeys to be undertaken at a later date or time.
 - 6.6 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.

- 6.7 In order for a journey to be licensed correctly the licenses of those fulfilling the booking must hold licences issued by the same local authority.
- 6.8 A Hackney Carriage vehicle and the driver must be licensed by the same authority and are only licensed to ply for hire within the district. This does not prohibit the driver from accepting sub-contracted bookings from a private hire operator within or out of the district
- 6.9 For Private Hire, the operator, driver and vehicle must be licensed by the same authority. This does not prohibit the operator sub-contracting a booking to another operator licensed by a different local authority.
- 6.10 Any person who carries out Hackney Carriage or Private Hire work without the correct licences will be breaking the law and committing an offence, and likely be uninsured.
- 6.11 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 stated in guidance from the Institute of Licensing.
- 6.12 The legislation allows local authorities to set their own conditions, requirements, application processes and fees.
- 6.13 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.

7 Introduction - Information sharing

- 7.1 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 in compliance with the Data Protection Act 2018
- 7.2 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.
- 7.3 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.
- 7.4 Huntingdonshire District Council is a registered Data Controller with the Information Commissioners Office.
- 7.5 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

- 7.6 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.
- 7.7 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, other local authorities, VOSA and any other partners as required.
- 7.8 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.

8 Introduction - Decision making

- 8.1 Huntingdonshire District Council has delegated its powers and 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.
- 8.2 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.
- 8.3 The Licensing Authority will be mindful of the needs of the applicants and licence holders, but this will be balanced against the over-riding duty that the Licensing Authority has to protect the safety and welfare of the public.
- 8.4 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.
- 8.5 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.
- 8.6 Where the legislative provisions allow, parties aggrieved by a decision have a right of appeal to the Magistrates' Court or Crown Court as defined in legislation.
- 8.7 Appeals are the responsibility of the applicant/licence holder and must be commenced within the statutory timescales which will be explained on any decision notice issued by the Council.

9 Introduction - Immigration Act 2016 – implications for all licences

- 9.1 The Council has a statutory obligation to ensure that applicants have a 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.
- 9.2 The Council has checks in place to ensure compliance with the Act, and will liaise where required, with relevant Home Office departments. However, if a licence has been issued incorrectly, the licence ceases to have effect if the person does not have the right to work in the UK.
- 9.3 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.
- 9.4 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 carry out 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.

Section 2

Applications for Licenses

10 Applications for Licenses - Application procedures

- 10.1 Relevant application procedures are published on the Councils website. The procedures will be updated regularly to take account of any changes or alterations.
- 10.2 Applicants who deliberately fail to declare or who make false statements on their application form or during the application process, may be subject to refusal of a licence and/or legal action if it constitutes fraud.
- 10.3 An application will not be processed or considered as valid until all documentation, and a fully completed form has been received and the relevant fee (if applicable) has been paid.
- 10.4 The responsibility for applying or renewing a licence rest solely with the applicant or licence holder, an application to renew a licence must be made in good time, prior to the expiry date of any existing licence.
- 10.5 The Licensing Authority will not tolerate any threatening or abusive behaviour directed towards staff, whether in person or via telephone/email. Any person exhibiting any of the above behaviours may have the application refused or the licence revoked.

11 Applications for Licenses - Duration of a licence

- 11.1 Licenses 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.

12 Applications for Licenses - Renewals

- 12.1 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 expired, it will not be eligible to be renewed, and a new application must be submitted. In those circumstances, all the criteria required for a new application must be met.

Section 3

Vehicles

13 Vehicles- Definitions, Specifications and Conditions

- 13.1 The Licensing Authority will only licence a vehicle as 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).
- 13.2 The Licensing Authority will not accept any vehicle that is shown as a Category S on the V5c, however we will consider Category N on a case-by-case basis subject to additional paperwork or information detailing the damage sustained and the subsequent repair. This will not affect the licence status of those vehicles licensed before the date this policy takes effect, such vehicles will continue to be licensed as long as they continue to meet the vehicle licensing criteria.
- 13.3 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 Hackney Carriage Vehicle.
- 13.4 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. Standard Conditions for all hackney carriage and private hire vehicles licences can be found at **Annex B**.
- 13.5 All vehicles presented to the Licensing Authority for the purpose of becoming a licenced vehicle must under-go a compliance test. This is a mechanical examination to ensure the vehicle meets the safety requirements as set out in the conditions.
- 13.6 Huntingdonshire District Council was granted an exemption by the Secretary of State for Transport permitting it to issue a Certificate of Compliance to a vehicle that it had tested to an agreed standard; annually in accordance with the regulations under Regulation 6 (4) of the Motor Vehicle (Tests) Regulations 1981.
- 13.7 All vehicles must pass the authority's compliance test whilst licensed by Huntingdonshire District Council.
- 13.8 The Certificate of Compliance is only valid whilst a licence in force. The vehicle proprietor may also wish to obtain an MOT separate to the compliance test.
- 13.9 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").
- 13.10 Any vehicle currently licensed by another authority will not be licensed with this authority, known as dual plating.

14 Vehicles - Smoking (including electronic cigarettes and vaping)

- 14.1 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.
- 14.2 This policy defines smoking to include the smoking of electronic cigarettes and vaping products.

15 Vehicles - Signage, Livery and Advertising

- 15.1 It is essential that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire Vehicle.
- 15.2 Hackney Carriage Vehicles must display a blue identification plate on the rear of the vehicle and an internal licence plate displayed on the front windscreen. They will have a roof sign on the top of the vehicle.
- 15.3 Private Hire Vehicles must have signage on the rear doors of the vehicle as issued by Huntingdonshire District Council.
- 15.4 At all times, Private Hire Vehicles must also display signage bearing the name of the private hire operator for whom the booking is being fulfilled. This signage may be in the form of a logo or text and must be displayed on the front doors of the vehicle in a clear and legible way.
- 15.5 Private Hire Vehicles must also display a yellow identification plate on the rear of the vehicle and an internal licence plate displayed on the front windscreen bearing the licence plate.
- 15.6 They will not have a roof sign or any signs that include the words 'taxi', 'cab', 'taxicab' or 'for hire'.
- 15.7 The external licence plate must be displayed and securely fixed to the external tailgate of the vehicle; temporary fixing, such as magnets are not permitted.
- 15.8 All Licenced vehicles must always display their signage and livery whether the vehicle is in use or not.
- 15.9 The signage and plates will be provided by the Licensing Authority for a fee. This does not include the operator signage as per point 15.4
- 15.10 All plates remain the property of the Council. All plates must be returned to the Council within 7 days upon request. For any vehicle licence renewals, the existing plate must be returned upon collection of the new licence plate.
- 15.11 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.

16 Vehicles - Vehicle Entry Level

- 16.1 Any application for the grant of a new Hackney Carriage or Private Hire vehicle licence, including hybrid or fully electric vehicles, must as a minimum meet Euro 6 emission standards.
- 16.2 From the 1st of September 2024, any existing licensed Hackney Carriage or Private Hire Vehicle must, as a minimum, meet Euro 5 emission standards. This new standard will be applicable upon renewal of the vehicle licence and if it does not meet Euro 5 standards, the licence will be refused.
- 16.3 Any licensed Hackney Carriage or Private Hire vehicle that is still licenced once it reaches 8 years old or more from first registration will be required to complete a Certificate of Compliance check at the Council approved garage every 6 months for as long as it remains a licenced vehicle.
- 16.4 For any imported vehicle, it must be right hand drive, registered in the United Kingdom and meet the emission standards as required for newly licenced vehicles.

17 Vehicles - Insurance

- 17.1 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.
- 17.2 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 in case of any retrospective claims.
- 17.3 Licensed Hackney Carriage and Private Hire Vehicles can only be driven by drivers who are also licensed by Huntingdonshire District Council. It is an offence for anyone else to drive the vehicle, except when being tested by a garage mechanic, regardless of whether the vehicle is being used to carry passengers at the time. To do so could also invalidate the vehicle insurance.
- 17.4 A Hackney Carriage or Private Hire vehicle insurance certificate must not name a driver who does not hold a valid and current Huntingdonshire District Council driver licence.

18 Vehicles - Safety equipment

- 18.1 All licensed vehicles must carry a first aid kit suitable for treating minor injuries that complies with the advice of the Health and Safety Executive as a minimum. There is no requirement for a driver to administer first aid treatment. However, the first aid kit should be made available to passengers or any person(s) where appropriate.
- 18.2 The first aid kit should be marked with the registration or plate number of the vehicle and replenished as necessary to conform with any product expiry date. This will be checked as part of the Compliance check.

19 Vehicles - CCTV in licensed vehicles

- 19.1 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.
- 19.2 The Licensing Authority does not require enhanced security or CCTV measures to be in vehicles at this time.
- 19.3 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.
- 19.4 Where drivers, proprietors and operators have considered it appropriate to install CCTV in their vehicles as a safeguarding measure, they must notify the licensing authority prior to installation.
- 19.5 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/>
- 19.6 Any 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.
- 19.7 It must be regularly checked and maintained, be openly overt and the vehicle must display the required signage.
- 19.8 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.
- 19.9 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.

20 Vehicles - Maintenance of vehicles

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

21 Vehicles - Vehicle testing

- 21.1 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.
- 21.2 Before granting a licence to any vehicle it must have undergone and passed an enhanced mechanical compliance test at the Council's appointed testing station.
- 21.3 Once a vehicle has passed this enhanced compliance test and provided all required documentation, a Certificate of Compliance (CoC) will be issued. A CoC replaces the need for an MOT certificate, but an MOT may also be issued at an additional cost payable to the testing station.
- 21.4 The licensing authority may appoint a currently registered MOT testing 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.
- 21.5 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.
- 21.6 Licensed vehicles that fail the examination and test and are deemed non-compliant by the examiner will result in the vehicle proprietor being invited to re-test the vehicle. 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>

22 Vehicles - Accidents/Accident replacement vehicles

- 22.1 Proprietors of licensed vehicles are required to inform the Licensing Authority of any accidents (including road traffic) or damage to a licensed vehicle within 72 hours. This includes any incident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers carried.
- 22.2 Proprietors must also present the damaged vehicle to the Licensing Team or appointed garage for inspection, if requested

- 22.3 Failure to report an accident or damage within the given timeframe may lead to HDC penalty points, suspension or revocation of a licence.
- 22.4 Depending upon the nature of the damage, the Licensing Authority may require the repaired vehicle to be inspected at the testing station or examined by a Licensing Officer.
- 22.5 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 requirements and standards applicable to a new vehicle application.
- 22.6 A replacement vehicle licence will only be valid for a period of 3 months. Extensions may be granted on a case-by-case basis upon request.
- 22.7 The existing vehicle licence plate must be returned to the council before the replacement vehicle licence plate will be issued.
- 22.8 Once all repairs and relevant inspections have been completed, the replacement vehicle plate must be returned to the council before the existing licence will be re-instated.
- 22.9 If either licence plate is not returned, a replacement plate fee will be charged.
- 22.10 Where a vehicle plate or door signs are lost or stolen it must be reported to the Licensing team within 7 days and a Police crime reference number must be provided where it is believed that the licence was stolen.

23 Vehicles - Vehicle inspections

- 23.1 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.
- 23.2 Further information re vehicle standards and specifications can be found in Appendix B of this policy.

24 Vehicles - Taximeters and fares

- 24.1 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.
- 24.2 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 is licensed, except when at an approved installers premises.
- 24.3 Meters must meet the London Taxi and Private Hire Specification.

- 24.4 A table of authorised fares must be displayed in each vehicle so that it is easily visible to all hirers.
- 24.5 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.
- 24.6 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.
- 24.7 The Licensing Authority cannot set fares for private hire vehicles, these are a matter for agreement between the operator and the hirer.
- 24.8 However, if a Private Hire vehicle does have a taxi meter fitted it must be used for all journeys and adhere to the conditions above.
- 24.9 A hackney carriage driver or private hire operator must ensure that the customer is offered the option of making payment via card or cash.

25 Vehicles - Transfer of ownership of the vehicle

- 25.1 If a proprietor wishes to transfer ownership of a licensed vehicle, the existing licence holder must complete a transfer application signed by both the current licence holder and proposed new licence holder within 14 days. A proprietor who fails to give such notice, without reasonable excuse, is guilty of an offence.

26 Vehicles - Accessibility and Equality

- 26.1 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.
- 26.2 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.
- 26.3 All new hackney carriages vehicles must be wheelchair accessible vehicles (WAV's) and are designated as such.
- 26.4 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.

- 26.5 Existing hackney carriage plates 1-44 which have retained 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.
- 26.6 Any vehicle currently licenced under retained grandfather rights (Hackney Carriage plates 1-44) may continue to be licenced until the vehicle is no longer able to meet the vehicle safety inspection standards. It will also be subject to the emission requirements as set out in the policy, details of this can be found in **Appendix B**.
- 26.7 Once a vehicle licensed under the retained grandfather rights ceases to be licensed, the plate will be removed from the list of grandfather rights vehicles and only re-issued to a wheelchair accessible vehicle
- 26.8 A licence issued under the grandfather rights cannot be transferred to any other vehicle. This will not remove a proprietor's right to transfer their interest in the vehicle to someone else.
- 26.9 As Hackney Carriages pick up passengers from ranks and the roadside, all new licensed Hackney Carriages must be side or rear loading.
- 26.10 Licensed drivers must not impose extra charges for conveying persons with disabilities or assistance dogs.
- 26.11 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 section 40.
- 26.12 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 both the proprietor/driver and operators' responsibility to ensure that they understand fully how to use the equipment. Written training records must be maintained, and refresher training provided as required and kept for at least 2 years and are available upon request to an authorised officer.
- 26.13 A list of wheelchair accessible vehicles will be published onto this Authorities website in accordance with the Taxi and Private Hire Vehicles (Disabled Person) Act 2022.

27 Vehicles - Exemptions, weddings and funeral vehicles

- 27.1 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: Childminder vehicles, Care transport workers, Volunteers, Ambulances, Courtesy Cars

- 27.2 Vehicles owned by funeral directors that are used wholly or mainly for the purposes of funerals are exempt from the requirement to be licensed.
- 27.3 Vehicles used in connection with a wedding are exempt from the requirement to be licensed.

28 Vehicles - Private hire exemption to display licence plate etc

- 28.1 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.
- 28.2 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.
- 28.3 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.
- 28.4 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.
- 28.5 Applications for the exemption from the requirement to display an external identification plate on the rear of a private hire vehicle and any door signage may be considered where it has been evidenced that there is a business or safety need.
- 28.6 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 agreement 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 agreement will be required as part of any request for plate exemption
- 28.7 Vehicles which have been issued with a letter of exemption must not be used for general day to day private hire work, including education transport contracts. Exempted vehicles found to be carrying out standard private hire work or not in accordance with the exemption conditions will be subject to enforcement action and the exemption certificate may be revoked.

- 28.8 Operators and proprietors who wish to apply for a letter of exemption must complete the application form and provide sufficient supporting documentation to establish the use of the vehicle. A letter of exemption will be vehicle specific. Applications for exemptions relating to a fleet of vehicles are not permitted.
- 28.9 Extra conditions will be applicable to exempted vehicles, in addition to the standard conditions. These can be found at **Appendix C**.
- 28.10 If an exemption certificate has been issued and the vehicle will no longer be utilised solely for executive type bookings, the letter of exemption 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. Plate exemption authorisation will not be required to be renewed but can be reviewed at any time the authority deems it necessary and will be reviewed at the time the vehicle licence plate is renewed.
- 28.11 Each application for exempt status will be considered on its own merits and there is no right of appeal against a decision by the Local Authority to refuse to grant under s75(3) Local Government (Miscellaneous provisions Act) and the only direct means of challenge would be judicial review.

29 Vehicles - Stretched Limousines

- 29.1 Stretched Limousines are elongated saloon cars, generally used for private hire work and special occasions.
- 29.2 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.
- 29.3 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 **Appendix E**.
- 29.4 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.

30 Vehicles - Limitation of vehicle numbers

- 30.1 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.

30.2 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

Drivers

31 Drivers – General

- 31.1 This Authority issues a dual licence for both Hackney Carriage and Private Hire Drivers as well as a Private Hire Driver only licence. The sections below therefore apply equally to Hackney Carriage and Private Hire Drivers unless indicated.
- 31.2 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.
- 31.3 On the grant or renewal of a Hackney Carriage and Private Hire Drivers licence, the Licensing Authority can attach such conditions as it considers reasonably necessary. Conditions for Hackney Carriage and Private Hire Drivers licences can be found at **Appendix A**
- 31.4 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.
- 31.5 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.
- 31.6 This authority makes use of the national refusals and revocations register (NR3S) in that it will record any licences refused, revoked or suspended at any time and will check all new applications for inclusion on the register
- 31.7 This authority will check the NR3S register for all new, renewals and at any relevant intervals of a licence

32 Drivers - Fit and Proper

- 32.1 There is no specific definition of 'fit and proper' in legislation or case law 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.
- 32.2 Behaviour of a rude or abusive manner at any stage of the application process as described in paragraph 10.5, will call into question an applicant's 'fit and proper' status and may result in their application being refused, or reviewed after granting which may lead to suspension or revocation.

32.3 Character and patterns of behaviour are 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 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.

33 Drivers - DVLA issued driver's licenses

- 33.1 As driving is the principal activity of a licensed driver, the council needs to ensure that applicants hold a suitable and valid driving licence.
- 33.2 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
- 33.3 This Authority will carry out a check of DVLA records, upon grant, renewal and at any point of a licence to ensure that the information submitted by the applicant is in accordance with the information held by the DVLA.
- 33.4 Applicants are therefore required to provide a DVLA online share code on application and at three yearly intervals thereafter, or upon request by an authorised officer, to permit the Council to access their driving record. The DVLA result will be retained and recorded.
- 33.5 Consideration of penalty points and driving offences will be made in accordance with the guidelines relating to the relevance and treatment of convictions. This can be found at **Appendix F**.

34 Drivers - Eligibility to live and work in the UK

- 34.1 This Authority will only issue licences to individuals who have a legal entitlement to live and work in the UK.
- 34.2 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> --- [Right to work checklist - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/right-to-work-checklist) --- [Prove your right to work to an employer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/prove-your-right-to-work-to-an-employer)
- 34.3 If an individual is not a UK national, then they will need to obtain permission to live and work in the UK.

34.4 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.

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).

35 Drivers - Tax Check

35.1 It is a legal requirement for renewal drivers to provide a valid Tax share code upon application. Without a valid tax share code being provided, the application will not be able to be renewed and will lead to rejection of the application.

36 Drivers - Disclosure and Barring Service (DBS), Convictions and Cautions

36.1 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.

36.2 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 the person is fit and proper to hold a licence.

36.3 The DBS check must be no more than two months old, when submitted. This check will detail any criminal convictions and cautions, including those that are spent and other relevant information which will be considered.

36.4 This Authority requires applicants to register their DBS certificate with the DBS Update Service and maintain the registration for the duration of their licence.

36.5 This Authority will check the DBS update service every 6 months, for any changes to its status.

36.6 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

- 36.7 The existence of a criminal conviction, caution or warning does not necessarily exclude 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.
- 36.8 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 days.
- 36.9 Further details of the relevance and treatment of convictions policy can be found at **Appendix F**
- 36.10 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.
- 36.11 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 an inclination towards dishonesty and questions the safe and suitable status of the licence holder.

37 Drivers - Certificates of Good Conduct

- 37.1 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.
- 37.2 The certificate of good conduct must be authenticated, translated and sealed by the relevant embassy or consulate.
- 37.3 Any costs associated with obtaining a certificate of good conduct are the responsibility of the applicant or driver.

38 Drivers - Medical Requirements

- 38.1 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 38.4 below). This is necessary because the Council must be satisfied that licensed drivers are sufficiently healthy to undertake the tasks expected of them.
- 38.2 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.

- 38.3 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.
- 38.4 Medicals are required for all new applicants and every 6 years thereafter (to coincide with the renewal of licence) thereafter. On reaching the age of 65 years licenced drivers are required to undertake a medical annually.
- 38.5 For new applicants the medical must, be no older than four months at the time of submission with the relevant application.
- 38.6 Applicants must pay any fees to the registered medical practitioner for completing the medical and report.
- 38.7 The medical examination must be undertaken by a registered general practitioner licensed to practice in the UK who is registered with the General Medical Council (GMC) 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.
- 38.8 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.

39 Drivers - Local Knowledge and Competency Test

- 39.1 Private Hire Drivers and Dual Drivers need a good working knowledge of the district and surrounding area along with a good level of general competency in maths, English and knowledge of licensing legislation including this policy and conditions.
- 39.2 All applicants must first complete and pass the Council's hackney carriage and private hire driver's local knowledge and competency test.
- 39.3 An applicant will be permitted 3 attempts at the local knowledge and competency. In the event of a third failure, a further test will not be permitted until 6 months have elapsed from the date of the failure.
- 39.4 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.

39.5 For cases where there are serious concerns as to the fitness of an existing driver to hold a licence, in relation to driving competency, further driver training may be required.

40 Drivers - Equality Act requirements and Exemption certificates

- 40.1 The Taxi and Private Hire Vehicles (disabled persons) Act 2022 in conjunction with the Equality Act 2010 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.*
- 40.2 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*
- 40.3 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.*
- 40.4 The driver will commit an offence if they fail to comply with the above duties.
- 40.5 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
- 40.6 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. A licence will not be renewed if the training has not been completed within the appropriate timeframe.
- 40.7 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 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.

- 40.8 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.
- 40.9 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.
- 40.10 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.
- 40.11 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.
- 40.12 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.

41 Drivers - Code of Conduct

- 41.1 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 conditions 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.

- 41.2 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.
- 41.3 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.
- 41.4 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.
- 41.5 This Council condemns discriminatory behaviour, which is harassing, racist, religiously motivated, homophobic, sexist, or in any way offensive to any protected characteristic. Complaints of this nature are taken particularly seriously.
- 41.6 Drivers who experience any of the above behaviour should report it to the police. The Council does not have any legal authority over passenger conduct.
- 41.7 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.
- 41.8 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. This includes toilet breaks in an appropriate location, to maintain professional standards as a licenced driver
- 41.9 Licensed drivers must not drive if they are taking medication which impairs their judgement or driving ability.
- 41.10 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.

42 Drivers - Complaints against drivers

- 42.1 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.

- 42.2 Where serious complaints 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.
- 42.3 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.
- 42.4 The driver may be asked to attend the council offices to determine an appropriate course of action that reflects Huntingdonshire District Council's Corporate Enforcement Policy. This could be that no action is required, or that appropriate enforcement action needs to be undertaken.

43 Drivers - Idling Offence – Environmental Impact

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

44 Drivers - Plying for Hire – Private Hire Drivers

- 44.1 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 or until a booking has been made with the operator, by the passenger, or someone acting on the passenger's behalf who is not the driver,
- 44.2 A driver commits an offence under s45 Town Police Clauses Act 1847, if they take an active part in the 'booking' process, e.g. by contacting the operator directly by radio or mobile phone to make that booking for his own vehicle there and then.

45 Drivers - Hackney Carriage Drivers

- 45.1 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.
- 45.2 Drivers who, whilst waiting on a rank, refuse or neglect to accept a fare without reasonable cause are committing an offence.
- 45.3 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.

46 Drivers - Council Byelaws

- 46.1 Hackney Carriage Drivers are subject to the Council's Byelaws and breach of these is a criminal offence. The Byelaws can be found at **Appendix G**

Section 5

Operators

47 Operators – Operators General

- 47.1 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.
- 47.2 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.
- 47.3 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.
- 47.4 A Private Hire operator must ensure that every Private Hire vehicle is driven by a person who holds a Private Hire driver's licence.
- 47.5 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.
- 47.6 An operator's licence is usually granted for a five-year duration but may be granted for a lesser duration by the Licensing Authority or if the applicant's immigration status limits it to a shorter duration.
- 47.7 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> --- [Prove your right to work to an employer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/prove-your-right-to-work-to-an-employer)
- 47.8 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.

- 47.9 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.
- 47.10 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.
- 47.11 Operators are required by law to keep a record of bookings and records relating to every vehicle operated by the operator.
- 47.12 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.
- 47.13 All such records must be made available to an authorised officer for inspection.
- 47.14 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 the Council website. This can be found at **Appendix D**.
- 47.15 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.
- 47.16 Operators must provide proof of right to occupy a premises if classed as non-domestic/
- 47.17 Operators at time of application will be required to provide proof of registration with the Information Commissioner's Office for data protection.
- 47.18 Operators that are not licensed drivers with HDC will be required to undertake the approved HDC safeguarding course at time of application or renewal for existing operators

48 Operators - Suitability of Applicant

- 48.1 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.
- 48.2 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.

- 48.3 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.
- 48.4 Operators that are existing drivers will have undertaken enhanced DBS checks in accordance with the requirements of their Hackney Carriage and Private Hire Driver's licence and this certificate may be used in lieu of a new Basic DBS disclosure.
- 48.5 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.

49 Operators - Suitability of Premises

- 49.1 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 the grant of a licence will not negatively impact on the surrounding area, including businesses, residents and the general public.
- 49.2 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.
- 49.3 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.
- 49.4 Where the operator has premises open to the public, the operator must ensure that they have suitable Public Liability insurance.

50 Operators – Operator's responsibilities and obligations

- 50.1 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.

50.2 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 will be considered as 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.

51 Operators - Record keeping

51.1 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.

51.2 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.

51.3 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.

51.4 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.

- 51.5 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/> --- [Data protection: The Data Protection Act - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/data-protection-the-data-protection-act-2018)
- 51.6 The Operator must hold records of insurance and licence expiry dates of drivers and vehicles. Journeys allocated to uninsured or unlicensed drivers and vehicles is an offence.
- 51.7 The Operator must allow an Authorised Officer of the Council access to records required by their licence at all reasonable times.
- 51.8 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 any website where available.
- 51.9 It is a legal requirement for renewal operators to provide a valid Tax share code upon application. Without a valid tax share code being provided, the application will not be able to be renewed and will lead to rejection of the application.

52 Operators - Cleanliness & maintenance

- 52.1 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.

53 Operators - Sub-Contracting

- 53.1 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.
- 53.2 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.
- 53.3 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.

54 Operators - Cross-border hiring

54.1 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.

55 Operators – Other Obligations

55.1 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.

55.2 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.

55.3 Operators must have a list of current dispatchers and have sight of a basic DBS disclosure. Further information can be found in **Appendix D**.

55.4 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.

56 Operators - Complaints policy

56.1 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 in 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.

56.2 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.

56.3 A copy of the complaints policy and procedure must be given to the council and will be required upon request.

56.4 The complaint records must detail specific information, be monitored, and be made available to authorised officers upon request.

- 56.5 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 identification 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.
- 56.6 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.
- 56.7 If an operator is made aware of a serious complaint concerning the fitness of a driver, they must notify the Licensing Authority immediately or as soon as practically possible and provide details of the actions taken by the operator.

Section 6

Safeguarding

57 Safeguarding– General

- 57.1 Safety, security and welfare applies to passengers and licensed drivers.
- 57.2 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.
- 57.3 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.
- 57.4 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.
- 57.5 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.
- 57.6 All new driver applicants and operators 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 at first renewal to complete the training. A licence will not be renewed if the training has not been completed.

Section 7

Enforcement and Compliance

58 Enforcement and Compliance – General

- 58.1 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.
- 58.2 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.
- 58.3 Complaints from the public and/ or any routine enforcement that identifies significant breaches of conduct will be subject to investigation by Officers.
- 58.4 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.
- 58.5 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.
- 58.6 An offence may be a breach of the legislation or condition imposed on a licence, a byelaw, or this policy.
- 58.7 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.
- 58.8 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.
- 58.9 The Licensing Authority operates a Penalty Points scheme. Full information on the scheme can be found in **Appendix H**

59 Enforcement and Compliance – Prosecution

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

60 Enforcement and Compliance - Suspension of Licence

- 60.1 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.

60.2 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 is advised to get independent legal advice on this.

61 Enforcement and Compliance – Refusal to grant

61.1 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.

62 Enforcement and Compliance – Revocation of licence

62.1 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.

62.2 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 is advised to get independent legal advice on this.

63 Enforcement and Compliance – Refusal to renew

63.1 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.

64 Enforcement and Compliance – Compliance

64.1 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.

65 Enforcement and Compliance – Complaints, compliments and comments

65.1 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

66 Enforcement and Compliance– Right of Appeal

- 66.1 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.
- 66.2 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

67 Fees, Charges and Refunds – General

67.1 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.

67.2 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.

Appendix A

Driver Licence Conditions – Dual Driver and Private Hire Only

Appendix A

Driver Licence Conditions – Dual Driver and Private Hire Only

Section	Description
1	Introduction
2	Hire of Hackney Carriage
3	Hire of Private Hire Vehicle
4	Conduct of Driver
5	Carriage of Passengers
6	Routes
7	Taximeter
8	Fare
9	Signs
10	Deposit of Driver's Licence
11	Property Left in Vehicle
12	Convictions
13	Change of Personal Details
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15	Smoke Free Vehicles
16	Animals
17	Conveyance of Dead Body
18	Fitness of Driver
19	Fitness of Vehicle
20	Advertisements
21	Duration of Licence
22	Complaints
23	Right of Appeals

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

1 Introduction

- 1.1 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.
- 1.2 This Authority issues a dual licence for both Hackney Carriage and Private Hire Drivers as well as a Private Hire Driver only licence. The sections below therefore apply equally to Hackney Carriage and Private Hire Drivers unless indicated otherwise.
- 1.3 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 of Hackney Carriage

- 2.1 A dual driver, when plying for hire in a hackney carriage vehicle in any street and not actually hired shall adhere to the below conditions.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.

3 Hire of Private Hire Vehicle

- 3.1 The driver of a Private Hire vehicle shall adhere to the below conditions.
- 3.2 Not tout or solicit, on a road or other public place, any person to hire or be carried in his vehicle.
- 3.3 Not offer the vehicle for immediate hire whilst the driver is on a road or other public place.
- 3.4 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.
- 3.5 When not engaged in a pre-arranged booking, drivers must not park their vehicle in such a position or location on the public highway which would give the impression to members of the public that the vehicle is available for immediate hire.
- 3.6 Public highway means any highway and any other road to which the public has access and includes bridges over which a road passes.

4 Conduct of Driver

- 4.1 The driver shall adhere to the below conditions.
- 4.2 At all times be clean and respectable in their dress and person and behave in a civil and orderly manner.
- 4.3 Treat all passengers with respect and courtesy.
- 4.4 Take all reasonable steps to ensure the safety of passengers entering, conveyed in or alighting from the vehicle driven by them.
- 4.5 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 they may take up or set down passengers.
- 4.6 Not without the express consent of the hirer, eat or drink in the vehicle.
- 4.7 Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle.
- 4.8 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.
- 4.9 At no time discard litter on to the highway. All litter shall be deposited in an appropriate receptacle.
- 4.10 At no time smoke or vape in the vehicle, even when passengers are not on board.

5 Carriage of Passengers

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 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.

6 Routes

- 6.1 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.

7 Taximeter

- 7.1 A hackney carriage driver shall adhere to the below conditions.
- 7.2 When standing or plying for hire, keep the meter of the vehicle in the position in which no fare is recorded on the face of the taximeter.
- 7.3 As soon as the vehicle is hired and before commencing the journey, bring the equipment of the taximeter into use until the termination of the hiring. The external sign bearing the words "FOR HIRE" shall be switched off as soon as the carriage is hired.
- 7.4 Ensure, during the continuance of any hiring, that the display of the fare on the taximeter kept properly illuminated, is not concealed clearly visible and legible to any person hiring or being conveyed in the vehicle.
- 7.5 Report immediately to the Council any failure of the taximeter.
- 7.6 Not tamper with or permit any person to tamper with the taximeter, with the fittings thereof or with the seals affixed thereto.

7.7 Where a taximeter is an item of equipment in a private hire vehicle, the driver shall use the taximeter in the same fashion to that in a hackney carriage.

8 Fare

8.1 The driver of a **hackney carriage vehicle** 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.

8.2 The driver shall not use a **hackney carriage vehicle** 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.)

8.3 The driver of a **hackney carriage vehicle** shall ensure that the customer is provided with the choice of payment via card or cash.

8.4 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.

8.5 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.

8.6 The driver shall ensure the table of fares is and remains fixed, in a manner which is visible at all times to passengers. In addition, the driver will ensure the table of fares does not become damaged, defaced or illegible, and is replaced promptly if necessary.

8.7 The driver shall, if required by the hirer, provide a receipt for the fare paid.

9 Signs

9.1 The driver shall adhere to the below conditions.

9.2 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.

9.3 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.

10 Deposit of Driver's Licence

10.1 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.

11 Property Left in Vehicle

11.1 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.

11.2 The driver of a vehicle shall, take any property of a high value or sensitive nature (i.e. passports, driving licence, etc) left in the vehicle and not claimed that day to a local police station within 24 hours of finding it.

11.3 Any property not of a high value or sensitive nature should be given to the private hire operator in adherence with any company policies on lost property.

11.4 A hackney carriage driver shall keep a record of all property left within the vehicle. This includes item description, date, time and location. Records should be kept for a minimum of 12 months.

12 Convictions

12.1 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.

13 Change of Personal Details

13.1 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 7 calendar days of the change taking place.

14 Return of Licence and Badge

14.1 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.

15 Smoke Free Vehicles

- 15.1 The Health Act 2006 (Smoke free legislation) requires drivers of hackney carriages and private hire vehicles to ensure that their vehicles remain smoke free 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.
- 15.2 The Licensing Authority further prohibits the use of electronic cigarettes and vaping products inside the vehicle.
- 15.3 Drivers are to ensure that at least two legible no smoking signs are prominently displayed in the vehicle and are clearly visible to passengers.
- 15.4 Failure to comply with the requirements of this legislation will be a criminal offence.

16 Animals

- 16.1 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.
- 16.2 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.
- 16.3 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.

17 Conveyance of Dead Body

- 17.1 A driver in whose vehicle a passenger dies shall notify Licensing in writing that a dead body had been conveyed in his vehicle.

18 Fitness of Driver

- 18.1 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

- 18.2 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.
- 18.3 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.

19 Fitness of Vehicle

- 19.1 Before commencement of duty a driver shall ensure adherence to the conditions below.
- 19.2 The vehicle is licensed in accordance with the Council's regulations.
- 19.3 The vehicle is correctly insured as required by the Road Traffic Act.
- 19.4 The vehicle is in a fit and proper condition to be used as a vehicle licensed to transport members of the public.
- 19.5 The driver is to ensure that the vehicle is clean and mechanically sound, paying particular attention to lights, indicators, tyres and brakes.
- 19.6 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

- 20.1 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.
- 20.2 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

- 21.1 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.

- 21.2 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.
- 21.3 Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice.
- 21.4 All new applicants to undertake and pass the council approved safeguarding course.
- 21.5 All licensed drivers to undertake the safeguarding course.
- 21.6 All new applicants will be required to take and pass the HDC Knowledge and competency Test.
- 21.7 All new applicants are to undertake the Council approved driving test before being granted a licence.
- 21.8 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 7 points for totting up offences within a 12-month period.
- 21.9 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.
- 21.10 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.
- 21.11 All drivers must register for the DBS (Disclosure & Barring Service) update service. Checks will be conducted every 6 months.

22 Complaints

- 22.1 The driver shall report to the proprietor or private hire operator any complaints made by passengers.
- 22.2 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 7 points for totting up offences.

23 Right of Appeal

23.1 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

Appendix B

Vehicle Licence Conditions – Hackney Carriages and Private Hire

Appendix B - Vehicle Licence Conditions – Hackney Carriages and Private Hire

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Pursuant to provisions of the Town Police Clauses Act 1847 and 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 vehicles which are required to be licensed under section 37 of the 1847 Act and section 48 of the 1976 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 reasonably necessary.

The legislation relating to private hire vehicles is contained in the 1976 Act and in accordance with section 48 (1) (a) the Council may attach to the grant of a private hire vehicle licence such conditions as it may consider reasonably necessary.

It is a criminal offence to use, or permit to use, a hackney carriage or private hire vehicle within the Huntingdonshire District without obtaining a licence as required by either the 1847 Act or the 1976 Act.

Hackney Carriage

1 Hackney Carriage – Vehicle Type

- 1.1 Hackney Carriages may be licensed to carry up to 8 passengers and are licensed to ply for hire within the district, either from a designated hackney rank or hailed in the street.
- 1.2 The vehicle must be safe, comfortable and suitable in type, size and design for us as a Hackney Carriage.
- 1.3 The Licensing Authority will only licence a vehicle as a Hackney Carriage 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).
- 1.4 The Licensing Authority will not accept any vehicle that is shown as a category S on the V5c, however we will consider Category N on a case-by-case basis subject to additional paperwork or information detailing the damage sustained and the subsequent repair. This will not affect the licence status of those vehicles licensed before this policy, which will continue to be licensed as long as they continue to meet the vehicle licensing criteria.
- 1.5 Any vehicle, including hybrid or fully electric vehicles, presented to the Licensing Authority for the grant of a new Hackney Carriage vehicle licence must, as a minimum, meet Euro 6 emission standards.
- 1.6 From the 1st September 2024, any existing licensed Hackney Carriage vehicle must, as a minimum, meet Euro 5 emission standards. Any vehicle that does not meet this requirement will be refused the licence upon renewal application.
- 1.7 New Hackney Carriage vehicles must be wheelchair accessible and meet the requirements listed in this policy. The Licensing Authority will apply any specification for such vehicles as may be provided by regulations under the Equality Act 2010.
- 1.8 Existing Hackney Carriage vehicles, licensed under plates 1-44, will continue to retain grandfather rights and are not required to be wheelchair accessible. The grandfather rights will cease to have effect if the vehicle licence is not renewed before the expiry date of the existing licence.
- 1.9 Any vehicle currently licenced under retained grandfather rights may continue to be licenced until the vehicle is no longer able to meet the vehicle safety inspection standards. It will also be subject to the emission requirements as set out below.
- 1.10 Once a vehicle licensed under the retained grandfather rights ceases to be licensed, the plate will be removed from the list of grandfather rights vehicles and only re-issued to a wheelchair accessible vehicle.

1.11 A licence issued under the grandfather rights cannot be transferred to any other vehicle. This will not remove a proprietor's right to transfer their interest in the vehicle to someone else.

2 Hackney Carriage – Wheelchair Accessible Vehicle Specifications

- 2.1 The vehicle must be capable of safely loading, transporting and unloading a wheelchair bound passenger from the side or rear of the vehicle.
- 2.2 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.
- 2.3 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.
- 2.4 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
- 2.5 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
- 2.6 Grab handles must be placed at door entrances to assist the elderly and disabled, and must be contrasting in colour.
- 2.7 The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements: -
- 2.8 Be not more than 380mm from the ground, (measured at the centre of the tread width);
- 2.9 The surface shall be covered in a slip-resistant material:

- 2.10 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. 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.
- 2.11 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.
- 2.12 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.
- 2.13 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.
- 2.14 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.
- 2.15 Wheelchair passengers must always travel in the correct position as recommended by the vehicle manufacturer.
- 2.16 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.

3 Hackney Carriage – Interior and Exterior Signage Requirements

- 3.1 Hackney Carriage vehicles must always display, securely affixed on the outside to the rear of the vehicle, the blue licence plate as issued by the Licensing Authority.
- 3.2 An internal licence plate, as issued by the Licensing Authority must be displayed on the front windscreen.
- 3.3 At all times have a fare table issued by Huntingdonshire District Council displayed within the vehicle in a clear and prominent manner.
- 3.4 At least two 'No Smoking' signs are to be displayed within the vehicle and clearly visible to passengers.
- 3.5 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.
- 3.6 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.
- 3.7 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, as the wedding car; 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
- 3.8 The roof sign must be illuminated except when the vehicle is under hire.
- 3.9 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.

4 Hackney Carriage – Taximeter

- 4.1 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
- 4.2 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
- 4.3 The operation of the taximeter shall accord with any Byelaws made by the Council.
- 4.4 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;
- 4.5 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;

- 4.6 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;
- 4.7 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;

5 Hackney Carriage – Byelaws

- 5.1 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.

Private Hire Vehicles

6 Private Hire Vehicles – Vehicle Type

- 6.1 Private Hire vehicles may be licensed to carry up to 8 passengers and must only accept bookings from a licensed private hire operator. It is not licensed to ply for hire
- 6.2 The vehicle must be safe, comfortable and suitable in type, size and design for us as a Private Hire vehicle.
- 6.3 The Licensing Authority will only licence a vehicle as a 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).
- 6.4 The Licensing Authority will not accept any vehicle that is shown as a category S on the V5c, however we will consider Category N on a case-by-case basis subject to additional paperwork or information detailing the damage sustained and the subsequent repair. This will not affect the licence status of those vehicles licensed before this policy, which will continue to be licensed as long as they continue to meet the vehicle licensing criteria.
- 6.5 Any vehicle, including hybrid or fully electric vehicles, presented to the Licensing Authority for the grant of a new Private Hire vehicle licence must, as a minimum, meet Euro 6 emission standards.
- 6.6 From the 1st September 2024, any existing licensed Private Hire vehicle must, as a minimum, meet Euro 5 emission standards. Any vehicle that does not meet this requirement will be refused the licence upon renewal application.
- 6.7 Vehicles must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.

- 6.8 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.

7 Private Hire– Interior and Exterior Signage Requirements

- 7.1 Private Hire vehicles must always display, securely affixed on the outside to the rear of the vehicle, the yellow licence plate as issued by the Licensing Authority.
- 7.2 An internal licence plate, as issued by the Licensing Authority must be displayed on the front windscreen.
- 7.3 Private Hire Vehicles must have signage on the rear passenger doors of the vehicle as issued by Huntingdonshire District Council.
- 7.4 At all times, Private Hire Vehicles must also display signage bearing the name of the private hire operator for whom the booking is being fulfilled. This signage may be in the form of a logo or text and must be displayed on the front doors of the vehicle in a clear and legible way.
- 7.5 No roof sign shall be displayed at any time.
- 7.6 At least two No Smoking signs are to be displayed within the vehicle and clearly visible to passengers.

8 Private Hire – Taximeter (if fitted)

- 8.1 If a private hire vehicle is fitted with a taximeter, it must adhere to all of the conditions as listed in Section 4 of the Appendix.
- 8.2 At all times have a fare table issued by Huntingdonshire District Council displayed within the vehicle in a clear and prominent manner.

9 Exemption Licence Conditions (Private Hire Only)

- 9.1 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.
- 9.2 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.

- 9.3 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.]

General Conditions- Applicable to both Hackney Carriage and Private Hire Vehicles

10 General

- 10.1 The vehicle must be fitted with an internal rear-view mirror and on both sides with external rear view mirrors.
- 10.2 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.
- 10.3 The licence plate issued by the council shall be affixed to the vehicle behind or adjacent to the vehicle number plate.
- 10.4 The proprietor/driver shall ensure that at all times whilst the vehicle is used on public roads, there is a current vehicle excise licence (Roadtax) in force for the vehicle.
- 10.5 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.
- 10.6 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.
- 10.7 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.
- 10.8 Any vehicle licensed by another authority will not be licensed with this authority, known as dual plating.

11 Vehicle Conversions or Alterations

- 11.1 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
- 11.2 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

- 11.3 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-fitting of seats. An updated V5C showing the amended seating capacity must be submitted to the Licensing Authority
- 11.4 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.
- 11.5 Aftermarket window tints shall not be fitted to any windows.
- 11.6 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.
- 11.7 If the glass is tinted to a point whereby it lets through less light, then the vehicle does not meet legal requirements.

12 Maintenance of Vehicle

- 12.1 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
- 12.2 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.
- 12.3 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,
- 12.4 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
- 12.5 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.
- 12.6 Horn – The vehicles horn shall be fully operational and adequately audible.

- 12.7 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.
- 12.8 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.

13 Coachwork

- 13.1 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
- 13.2 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
- 13.3 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.
- 13.4 All glass fitted shall be safety glass, i.e. glass that if fractured does not fly into fragments capable of causing severe cuts
- 13.5 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.
- 13.6 All coachwork shall be maintained in a clean condition and in a proper state of repair
- 13.7 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.

14 Safety Equipment

- 14.1 All licensed vehicles must carry a first aid kit suitable for treating minor injuries that complies with the advice of the Health and Safety Executive as a minimum. There is no requirement for a driver to administer first aid treatment. However, the first aid kit should be made available to passengers or any person(s) where appropriate.
- 14.2 The first aid kit should be marked with the registration or plate number of the vehicle and replenished as necessary to conform with any product expiry date. This will be checked as part of the Compliance check.

15 Advertisements

- 15.1 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.
- 15.2 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: Political, ethnic or religious messages or content which is contrary to the Council's Equality Scheme. Sexual content. Indecent material or content likely to offend public taste. The promotion of the sale or consumption of tobacco products. The promotion of the sale or consumption of alcohol. Any words or image that may indicate that a Private Hire Vehicle is a Hackney Carriage. Gambling. Encouragement of unlawful or anti-social behaviour.
- 15.3 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.

16 Inspection

- 16.1 The proprietor shall submit the vehicle to the Council or its appointed agents for inspection: Annually when the licence is due for renewal. At 6 monthly intervals for any vehicle over 8 years old from date of first registration. 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 Authority of any such accident within 72 hours; and at any other time if so requested by the Licensing Authority or a Police Constable in accordance with legislation.

17 Convictions

- 17.1 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.

18 Change of Address

- 18.1 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.

19 Transfer of Licence

19.1 If a proprietor wishes to transfer ownership of a licensed vehicle, they must complete a transfer application signed by both the current licence holder and proposed new licence holder within 14 days. A proprietor who fails to give such notice, without reasonable excuse, is guilty of an offence.

20 Surrender of Licence

20.1 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.

21 Deposit of Drivers' Licences

21.1 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.

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.

Appendix C

Private Hire Vehicle Plate Exemption Conditions

APPENDIX C - Private Hire Vehicle Plate Exemption Conditions

1 Introduction

- 1.1 The conditions listed below apply to all private hire vehicles granted an exemption from the requirement to display an external identification plate (private hire vehicle licence plate) and are in addition to the standard conditions that are required for private hire vehicles.

2 Conditions

- 2.1 The vehicle licence plate and letter of authorisation 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.
- 2.2 The vehicle will be issued with a licence plate and letter of exemption which must be kept within the vehicle at all times and made available for an authorised officer for inspection.
- 2.3 In the event of loss of the letter of exemption, the operator shall make immediate contact with the Local Authority to obtain a replacement.
- 2.4 Exempted vehicles must not display any form of advertisements, signage or logos, including advertising the operating company inside or outside the vehicle.
- 2.5 When issued with a letter of exemption, a taximeter must not be installed in the vehicle.
- 2.6 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.
- 2.7 Drivers of an exempt vehicle will be smartly dressed in either a formal chauffeur's uniform or business suit with collar and tie.
- 2.8 The operator will notify the council immediately of any change of use of the vehicle.
- 2.9 The vehicle must be used for executive hire only and not for general day to day private hire work, including education transport.
- 2.10 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.
- 2.11 The hirer shall not have the facility to settle accounts and / or tender direct payment to the driver by any means. Payment may only be made, either before or after the journey, direct to the Operator or their accounting system.

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.

Appendix D

Private Hire Operator Licence Conditions

Appendix D – Private Hire Operator Licence Conditions

Section	Description
1	General
2	Standard of Service
3	The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022
4	Premises
5	Training
6	Record Keeping
7	Company Policies
8	Record of Bookings
9	Sub-Contracting of Bookings
10	Education Transport and Private Contracts
11	Notification of Changes

1 General

- 1.1 Operators must ensure that only licensed drivers carry out bookings and are appropriately trained for their role.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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.

2 Standard of Service

- 2.1 The licensee shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall adhere to the conditions below.
- 2.2 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.
- 2.3 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.
- 2.4 The operator's name and contact information must be displayed on the vehicle unless a valid private hire plate exemption has been issued.
- 2.5 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.
- 2.6 Any additional prices, such as waiting times or soilage fees be made available to the hirer at the time of booking.
- 2.7 The operator will ensure that any vehicle completing bookings on its behalf shall have provisions to provide the customer with the option of paying by card or cash.

- 2.8 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.
- 2.9 Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- 2.10 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.

3 The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

- 3.1 The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 made amendments to the Equality Act 2010 outlining strict offences for private hire operators if they fail to adhere to the requirements as listed below.
- 3.2 Section 167A makes it an offence for a PHV operator to refuse or fail to accept a booking from, or on behalf of, a disabled person because (i) the person is disabled or (ii) to prevent a driver from being subject to the duties at sections 164A, 165, or 165A. It also makes it an offence for a PHV operator to make, or propose to make, an additional charge for carrying out of any duty imposed on the driver of the private hire vehicle under section 164A, 165 or 165A.
- 3.3 Section 170 makes it an offence for a PHV operator to refuse or fail to accept a booking from, or on behalf of, an assistance dog user: because the person will be accompanied by an assistance dog or; to prevent a driver from being subject to the duties at section 170
- 3.4 Operators should book trips for assistance dog users as they would for any other passenger, for example using the nearest driver to the point of pick-up, regardless of any preference that driver may have not to carry a dog.

4 Premises

- 4.1 A private hire operator is licensed to operate from a designated address which must be within the Huntingdonshire District Council authority area. The licence does not grant permission to operate from any other address unless specified.
- 4.2 Where a private hire operator has a premises open to members of public to enter for the purposes of booking or waiting for a private hire vehicle, they must adhere to the conditions below.
- 4.3 The private hire operator must have valid public liability insurance.
- 4.4 Any area of the premises which the public have access to, whether for the purpose of booking or waiting, must be kept clean, adequately heated, ventilated and well lit.
- 4.5 Any waiting area provided must have adequate seating facilities.

- 4.6 Where a premises is open to the public during the 'Night-Time Economy' hours of 1800hrs to 0600hrs, the private hire operator must conduct an ongoing risk assessment to ensure that where it is considered necessary, sufficient SIA security officer/doorman will be employed at the premises.
- 4.7 Hot food or drinks, including those provided by a self-serve vending machine, must not be sold between the hours of 2300hrs and 0500hrs, unless the premises has a Late Night Refreshment licence.
- 4.8 Gaming machines are not permitted.
- 4.9 Where a private hire operator is licensed to operate from a home address, the operator must ensure that an accumulation of parked vehicles does not occur unless the relevant planning permission has been granted allowing use of the property for such purposes.
- 4.10 If a private hire operator intends to operate from multiple locations within the authority area, each location must have approval and be included on the licence. This includes kiosks or cabins at locations such as car parks or trains station.
- 4.11 If a private hire operator intends to re-locate to another address within the HDC district, a change of address application must be submitted prior to any move.

5 Training

- 5.1 A private hire operator must ensure that all staff, including office-based workers, are suitability trained to conduct the work required of them.
- 5.2 The training required is not prescribed by the licensing authority, but may be demonstrated by way of company policies, safeguarding and disability awareness training, customer service training and any other check conducted by the operator.
- 5.3 Where a private hire operator is dispatching a wheelchair accessible vehicle, the driver must be provided suitable training in how to safely load, unload and transport passengers.
- 5.4 All training must be documented and provided upon request by an authorised officer as detailed in section 7.

6 Record Keeping

- 6.1 A private hire operator must keep and maintain several records as required by both legislation and condition. These records must be maintained for the duration of the licence and made available upon request by an authorised officer or police constable.
- 6.2 Each vehicle that is used by the operator, whether company or driver owned, must be recorded in a register of all vehicles. This register must include the following information as detailed in the table below:

Detail Required	Notes
Private Hire Vehicle Licence	This must be a copy of the paper private hire vehicle licence. A photo or copy of the private hire licence plate is not acceptable.
Certificate of Compliance	Date of expiry for the CoC and MOT if applicable
Proof of Insurance	Cover must include use for private hire purposes
Proof of Vehicle Excise Duty	Commonly known as 'Road Tax'
Date the vehicle was first added to fleet	
Date the vehicle was removed from fleet	
LOLER Certificate	If the vehicle is fitted with a tail-lift, the vehicle licence holder is required to obtain a LOLER Certificate every 6 month. You must retain a copy of this.

- 6.3 Each driver who completes booking for the operator, whether employed directly or working self-employed, must be recorded in a register of all drivers. This register must include the following information as detailed in the table below:

Detail Required	Notes
Private Hire Driver Licence	This must be a copy of the paper private hire driver licence. A photo or copy of the driver's badge is not acceptable.
Contact Information	A full address and telephone number
Date the driver first employed	
Date the driver left employment	

- 6.4 Where an internal numbering system is used by the operator to record driver or vehicle details, the numbering system must be provided alongside the registers required in Sections 6.2 and 6.3.
- 6.5 When a driver leaves employment or a vehicle is removed from service and there is an internal numbering system in place, the operator must ensure that they can provide details of which driver/vehicle was allocated to a specific number at any time.
- 6.6 The operator must maintain a register of all staff that have contact with the public and/or oversee the dispatching of vehicles or have access to booking records. This register must include the following information as detailed in the table below:

Detail Required	Notes
Name, Address and Date of Birth	
Basic DBS Check	You must be able to demonstrate that you have had sight of a basic DBS certificate at the start of employment.
Right to Work Check	Where applicable
Start date of employment	
End date of employment	
Job Title	

- 6.7 Due to the requirement of all dispatch staff requiring a basic DBS certificate, as referenced in the DfT Statutory Guidance, it will not be permitted for overseas call centres to be used by private hire operators.

7 Company Policies

- 7.1 It is a requirement of all licensed private hire operators to have a written policy for the below subjects shown in the table below:

Policy Required	Notes
Complaints Policy	This must detail how you will record and resolve complaints raised by customers. This policy must be made available to customers upon request.
Training Policy	You must have a training policy that documents all training that you will provide to staff and drivers.
Training Policy Sign Off	In addition to the training policy, you must maintain a sign off sheet which documents the date and time in which the training was provided and must be

	signed by the person receiving the training.
Employing Ex-Offenders	You must have a policy which details the operator's position on employing people with criminal records.
Safeguarding Policy	You must have a company policy on how you will safeguard vulnerable children and adults from any harm that may arise during a journey.
Lost Property	The local police stations no longer accept lost property unless it is a high value item or of a sensitive nature. You must therefore have a policy on what drivers are required to do with any property left in vehicles.

7.2 These policies must be maintained for the duration of the licence and made available upon request by an authorised officer.

8 Record of Bookings

8.1 The operator shall keep a comprehensive record of each journey containing the details listed in the table below.

Detail Required	Notes
Name of the hirer	If the booking was received from another operator you must indicate the name of the operator who sent the booking.
Date and Time of the Booking	You must record the date and time the booking was made
Date and Time – Start of Journey	You must record the date and time the journey starts
Date and Time – End of Journey	You must record the date and time the journey finished
Pick Up Location	This must be a complete address including house/building name or number and post code. Where a full address cannot be obtained, as much detail as possible must be recorded.
Drop Off Location	This must be a complete address including house/building name or number and post code. Where a full address cannot be obtained, as much detail as possible must be recorded.
Details of any additions stops	All addresses for additional stops must be recorded
Details of the Vehicle Dispatched	If internal numbering system used, you must provide a register showing the vehicles details as required in Section 6.2

Details of the Driver	If internal numbering system used, you must provide a register showing the vehicles details as required in Section 6.3
Subcontracting	If the booking is to be sub-contracted to another operator, you must record which operator the booking was passed to.

- 8.2 These records must be maintained for the duration of the licence period.
- 8.3 All entries must be made in ink or stored digitally.
- 8.4 The record of booking must be made available to an authorised officer or police constable upon request.

9 Sub-Contracting of Bookings

- 9.1 A private hire operator may sub-contract a booking to another licensed operator or Hackney Carriage, whether in the same district or not.
- 9.2 When sub-contracting to a Hackney Carriage, you must inform the driver of the agreed fare. The Hackney Carriage driver is not permitted to charge a fare greater than the price shown on the meter for that journey, as per Section 24 of the Licensing Policy.

10 Education Transport and Private Contracts

- 10.1 Any education transport route completed must be recorded in accordance with Section 8.1 above.
- 10.2 Any private contract, such as a care home or hospice etc, where a passenger is conveyed, must also be recorded in accordance with Section 8.1 above.
- 10.3 Any private contract, such as blood transport etc, where no passengers are conveyed are not considered a private hire journey. It is however expected that these journeys will be conducted separate to any private hire journey.

11 Notification of Changes

- 11.1 You must notify the Licensing Authority of any changes which may affect the status of your licence within 7 calendar days. This includes but is not limited to the following: Additional Drivers or Vehicles, Removal of Drivers of Vehicles, Change of Company Director, Change of Company Address, Change of Operating Address.
- 11.2 You are required to notify the Licensing Authority of any arrest, caution or convictions within 72 hours.
- 11.3 You are required to notify the Licensing Authority of any change to your immigration status.

Appendix E

Licensing of Stretched Limousines – Special Conditions

APPENDIX E – Licensing of Stretched Limousines – Special Conditions

Section	Description
1	Licensing Requirements
2	Definition of Stretch Limousine
3	Private Hire Operator’s Licence
4	Private Hire Vehicle Driver’s Licence
5	Vehicle Requirements
6	Vehicle Testing
7	Passengers
8	Insurance
9	Alcohol
10	Entertainment
11	Advertisements
12	Right of Appeal

1 Licensing Requirements

- 1.1 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.
- 1.3 Vehicles use solely for weddings and funerals are exempt from the requirements of private hire licensing.

2 Definition of Stretch Limousine

- 2.1 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.
- 2.2 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.
- 2.3 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.

3 Private Hire Operator's Licence

- 3.1 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.
- 3.2 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

4 Private Hire Vehicle Driver's Licence

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

5 Vehicle Requirements

- 5.1 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)).
- 5.2 Where applicable, the Vehicle Identification Number (VIN) plate shall display '1L1' to confirm conversion completed by an authorised dealer.
- 5.3 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.
- 5.4 A plate on the door pillar shall confirm the total weight of the vehicle.
- 5.5 DVLA V5 or equivalent shall be produced to authenticate registration.
- 5.6 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).
- 5.7 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.
- 5.8 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.
- 5.9 Vehicles may either be left or right hand drive.
- 5.10 Vehicles must be fitted with at least 4 doors.
- 5.11 All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations.
- 5.12 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.

- 5.13 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).

6 Vehicle Testing

- 6.1 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.

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.

9 Alcohol

- 9.1 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.
- 9.2 Alcohol shall only be served while the vehicle is stationary and afterwards all bottles shall be placed in a secure receptacle.
- 9.3 If there are any passenger's below the age of 18, then there shall be no alcohol on the vehicle.
- 9.4 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.
- 10.3 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.

Appendix F

Relevance and Treatment of Conditions

Appendix F – Relevance and Treatment of Conditions

Section	Description
1	Offenders and Offending - Overview
2	Pre-application requirements
3	General Guidance
4	Relevance of offences
5	Drivers
6	Single convictions
7	Crimes resulting in death
8	Exploitation
9	Offences involving violence
10	Possession of a weapon
11	Sex and indecency offences
12	Dishonesty
13	Local Authority Offences
14	Drugs
15	Discrimination
16	Motoring convictions
17	Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving
18	Other motoring offences
19	Hackney carriage and private hire offences
20	Vehicle use offences
21	Private Hire Operators
22	Vehicle proprietors
23	Non conviction information
24	Conclusion

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.

1 Offenders and Offending - Overview

- 1.1 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.
- 1.2 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.
- 1.3 This authority will consider all relevant factors including previous convictions, cautions, warnings and complaints as well as the time elapsed since these were committed.
- 1.4 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 made, 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.

2 Pre-application requirements

- 2.1 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)
- 2.2 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.
- 2.3 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.
- 2.4 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.

3 General Guidance

- 3.1 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.
- 3.2 Drivers and operators cannot be granted or renewed 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).
- 3.3 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.
- 3.4 “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.
- 3.5 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.
- 3.6 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.
- 3.7 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.
- 3.8 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.

- 3.9 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.
- 3.10 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.
- 3.11 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.

4 Relevance of offences

- 4.1 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.
- 4.2 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.
- 4.3 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, renewed and maybe suspended or revoked.
- 4.4 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.

- 4.5 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.

5 Drivers

- 5.1 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.
- 5.2 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.
- 5.3 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.

6 Single convictions

- 6.1 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.

7 Crimes resulting in death

- 7.1 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.

8 Exploitation

- 8.1 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.

9 Offences involving violence

- 9.1 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.

10 Possession of a weapon

10.1 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.

11 Sex and indecency offences

11.1 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.

11.2 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.

12 Dishonesty

12.1 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.

12.2 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.

13 Local Authority Offences

13.1 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.

14 Drugs

14.1 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.

14.2 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.

15 Discrimination

- 15.1 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.

16 Motoring convictions

- 16.1 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.

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

- 17.1 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.
- 17.2 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.
- 17.3 Any offence for dangerous driving will be considered as a serious offence and will result in refusal or revocation of a licence

18 Other motoring offences

- 18.1 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.
- 18.2 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.

18.3 Where a person has a DVLA disqualification for totting up offences a licence will not normally be granted or renewed for a period of five years have elapsed since the completion of any sentence

18.4 Where a current licence holder has received a disqualification for totting up offences the licence will be revoked

19 Hackney carriage and private hire offences

19.1 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.

20 Vehicle use offences

20.1 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.

21 Private Hire Operators

21.1 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.

21.2 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.

21.3 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 affected by means of the individual staff member being required by the operator to obtain a basic DBS certificate.

21.4 If an operator is found not to be applying the required conditions and using staff that do not meet the licensing authority’s overall criteria this may lead to the operator’s licence being revoked.

21.5 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.

22 Vehicle proprietors

- 22.1 Vehicle proprietors (both hackney carriage and private hire) have two principal Responsibilities:
- 22.2 They must ensure that the vehicle is maintained to an acceptable standard at all times.
- 22.3 They must ensure that the vehicle is not used for illegal or illicit purposes.
- 22.4 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.
- 22.5 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.

23 Non conviction information

- 23.1 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.

24 Conclusion

- 24.1 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.
- 24.2 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.

Appendix G

Byelaws

Huntingdonshire District Council

HACKNEY CARRIAGE
BYELAWS



JANUARY 1977 (as amended)

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.

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, 1975.
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

<p>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;</p> <p>(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;</p> <p>(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;</p> <p>(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.</p> <p>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.</p> <p>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.</p> <p>9. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:</p>	<p>(a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;</p> <p>(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;</p> <p>(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;</p> <p>(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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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<p>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.</p> <p>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.</p> <p>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:</p> <p>(a) convey a reasonable quantity of luggage;</p> <p>(b) afford reasonable assistance in loading and unloading;</p> <p>(c) 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.</p> <p>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:-</p> <p>Ramey - Gt. Whyte - each day of the week adjoining the eastern kerb of the central reservation opposite nos. 21-25 and the cinema, Gt. Whyte 8</p> <p>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</p> <p>Broadway - each day of the week adjoining the southern kerb fronting Bobby's Bandbox and White's dental surgery 3</p>	<p>Huntingdon and Godmanchester</p> <p>- Market Square - Sundays to Fridays inclusive, and from 5.30 p.m. on Saturdays fronting the Town Hall 4</p> <p>- Bus Station - each day of the week new lay-by at Huntingdon Bus Station, Princes Street 5</p> <p>- St. Germain Street - each day of the week rear of Eastern Electricity show room 2</p> <p>St. Neots - Market Square - each day of the week eastern side of Market Square between the car parking area and bus station 8</p> <p>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.</p> <p>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.</p> <p>Fares for Distance (inclusive of Value Added Tax)</p> <table style="margin-left: 20px;"> <thead> <tr> <th></th> <th style="text-align: right;">New Pence</th> </tr> </thead> <tbody> <tr> <td>if the distance does not exceed 1830 yards for the whole distance</td> <td style="text-align: right;">45</td> </tr> <tr> <td>If the distance exceeds 1830 yards for the first 1830 yards</td> <td style="text-align: right;">45</td> </tr> <tr> <td>for each subsequent 305 yards or uncompleted part thereof</td> <td style="text-align: right;">5</td> </tr> </tbody> </table>		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
	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 1975	St. Neots Urban District Council	21 December 1975	- 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



N. GODFREY
Chief Executive Officer

No.281/76

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

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

HUNTINGDON 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 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 the Hackney Carriage Stands, as set out in Schedule 2 hereof, be appointed with effect from the 9th May, 1980.

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 Sandbox 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 Newmarket Market Hill 1 Hackney Stand
- Broadway - each day of the week adjoining the southern kerb fronting No. 7 & Bobby's Sandbox 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,
Cambs.

Appendix H

Huntingdonshire District Council Penalty Points

1 Introduction

- 1.1 The Licensing Authority have a range of powers in relation to legislation, policy conditions and byelaws.
- 1.2 When a breach of legislation, policy condition or byelaw occurs, the Licensing Authority has a range of sanctions it can issue such as verbal warnings, written warnings, the suspension or revocation of a licence, the refusal to renew and in certain cases the ability to prosecute.
- 1.3 In addition to these sanctions, the Licensing Authority also operates a Penalty Points Scheme.

2 Issuing of Points

- 2.1 Penalty Points can be issued to a licensed driver, operator or vehicle proprietor for a range of incidents where the balance of probabilities suggests that a breach of conditions has occurred.
- 2.2 Penalty Points may be issued in conjunction with a written warning or suspension.
- 2.3 Penalty Points will not however be issued when another sanction has been issued, i.e DVLA issued Penalty Points, a police Traffic Offence Report, etc.

3 Total Number of Points and Duration

- 3.1 Where a licence is in force for a maximum period of 1 year, the licence holder may only receive a maximum of 6 Penalty Points.
- 3.2 Where a licence is in force for a maximum period of 3 or 5 years, the licence holder may only receive a maximum of 12 Penalty Points.
- 3.3 Penalty Points will remain on the licence for the total duration of the licence period.
- 3.4 Where Penalty Points are issued at any time within 3 months prior to the expiry of the licence, and the licence is subsequently renewed, the Penalty Points will be carried over for a duration of 12 months.

4 Totting Up of Penalty Points and Review of Licence

- 4.1 If a licence holder receives the maximum permitted number of penalty points, known as 'totting up', a review of the licence will occur.
- 4.2 The review may be held by the Licensing Manager through delegated authority, or it may be held by the Licensing Sub-Committee.
- 4.3 This review may result in further sanctions, such as a formal warning letter, extra conditions imposed, a requirement to undergo additional training, suspension of the licence, revocation of the licence or the refusal to renew a licence.
- 4.4 Each case will be reviewed on its individual circumstances.

5 Multiple Licences Held

- 5.1 Where a licence holder has multiple licences, such as a driver's licence and a vehicle licence, each licence will be treated individually in respects to the total number of points permitted.
- 5.2 If an incident occurs that involves multiple types of licence, it will be the position and express right of the Licensing Authority to issue Penalty Points against each type of licence as it deems appropriate.
- 5.3 Should a review occur in relation to one type of licence held, the outcome of this review may have a direct impact on the status of any other licence held due to the fact that any sanctions issued could result in the licence holder no longer being deemed 'fit and proper' to hold such a licence.

6 Appeals

- 6.1 Any appeal against the issuing of Penalty Points must be made directly to the Licensing Authority.
- 6.2 The Licensing Manager will review any appeal and if a resolution is not reached, a further appeal can be made via corporate complaints - [Customer Feedback - Huntingdonshire.gov.uk](http://CustomerFeedback-Huntingdonshire.gov.uk)

7 Table of Penalty Points

- 7.1 The below table represents an example of the type of offences and number of points that will be applied.
- 7.2 The Licensing Authority may also issue penalty points for any other breach of condition not listed below, for a maximum number of points as it deems appropriate.

Offence / Breach of Conditions	Number of Points
Using a vehicle with dangerous defects	12
Using a vehicle with defective tyres	12
Failure to display licence plate	6
Defective or unsealed Taximeter	6
Using a handheld device whilst driving	6
Failure to produce booking records when requested	6
Conveying more passengers than permitted	6
Failure to display licence plate	3
Failure to display door signs	3
Failure to display operator details (PH)	3
Failure to wear driver's badge	3
Failure to report damage within 72 hrs	3
Refusing a fare without reasonable cause	3

Failure to display table of fares	3
Smoking or vaping inside vehicle	3
Unclean vehicle – interior or exterior	3
Illegal or unauthorised parking	3
Complaint of speeding or careless driver	3

Section 1		
Section Number (Current Policy)	Section Number (Proposed draft policy)	Change
Policy Statement		Removed
1.9	2.8	Wording added 'or licence holders or other interested parties'
1.12	3.3	Updated legislation and guidance added
	5.9	Minor amendments to policy without consultation
1.31 – 1.34	8.1-8.7	Conditions re-ordered
1.39		Removed
Section 2		
Section Number (Current)	Section Number (Proposed)	Change
2.1-2.4	10.1-10.5	Changes made to wording
Section 3		
Section Number (Current)	Section Number (Proposed)	Change
3.1-3.2		Removed as duplicated
	13.2	Category S and N vehicles conditions added
	13.5-13.8	Conditions added
	13.9	Condition added
3.10	15.2	Requirement for door signs removed
3.11	15.3-15.6	Condition split to make reading more accessible
3.11	15.3	Minor wording changed to requirements
	15.4	Condition added requiring operator name and contact to be displayed. Taken from vehicle conditions appendix
3.12	15.7-15.10	Condition split to make reading more accessible
3.15	16.1-16.4	Changes made requiring all new vehicles to be Euro 6 and all renewals to be a minimum of Euro 5. Entry age removed. 6 Monthly tests required for vehicles 8yrs or older
	17.3-17.4	Conditions added regarding only licensed drivers driving the vehicle at any time and

		insurance will not be accepted which names a non-licensed driver
3.18	18.1-18.2	Removes requirement to carry fire extinguisher
3.33-3.36	22.1-22.6	Minor wording changes and conditions split to make reading more accessible
	22.6	Replacement vehicles only issued for 3 months
	24.8	Condition detailing that if a PHV chooses to utilise a meter it must adhere to all conditions relevant to the taximeters
	24.9	Requirement that passengers be provided with the choice of paying by card or cash
3.44	25.1	Minor wording change
3.47	26.3-26.5	Condition Split
	26.6	Condition added determining how long a grandfather rights HC can be licensed for
	26.7	Clarification on what happens to grandfather rights once licence ceases
	26.8	Removes ability to transfer licence from one vehicle to another on grandfather rights HC
3.51	26.12	Condition expanded requiring proprietor and operator to also be responsible for training and written records must be kept
	26.13	Information that a WAV list will be published on website
3.55		Condition removed
3.56 – 3.57	28.1 – 28.2	Conditions moved to start of section
3.58	28.5	Condition no longer requires vehicle model type
3.60	28.6 – 28.7	Minor wording changes
3.62	28.8	Minor wording changes
3.64	28.10	Minor wording changes

	28.11	Condition added stating each application to be considered on its own merits
Section 4		
Section Number (Current)	Section Number (Proposed)	Change
4.5	31.5	Minor wording change
	31.6 – 31.7	Conditions added discussing use of NR3 database
4.7	32.2	Minor wording change
4.8.1		Condition removed
4.9	32.3	Condition moved
4.10	33.1	Condition moved
4.11		Condition removed
	33.4	DVLA check minor wording change
	35.1	Condition added for mandatory tax check
	36.5	Condition added mandating a DBS check every 6 months
4.27		Condition removed as duplicated
4.31 - 4.34	33.-33.5	Conditions moved
4.39	38.7	Minor wording changes
	39.1- 39.3	Condition separated and a maximum of 3 attempts in 6 months permitted
	39.4	Minor wording changes to condition
4.41		Condition removed
4.51	41.7	Minor wording changes
4.54	41.8	Minor wording changes
4.54 – duplicate number	41.6	Timescale for obtaining certificate removed
4.61	45.1-45.2	Condition split into two
Section 5		
Section Number (Current)	Section Number (Proposed)	Change
5.6	47.6	Minor wording change
	47.18	Condition added requiring operators who are not licensed drivers to undertake the safeguarding course
	51.9	Condition added requiring mandatory tax check code

	55.3	Condition added requiring operators maintain a list of dispatchers
Section 6		
		No Changes Made
Section 7		
Section Number (Current)	Section Number (Proposed)	Change
7.10	58.9	New Appendix for Penalty Points created
Section 8		
		No Changes Made

Appendix 1 – Hackney Carriage and Private Hire Drivers Conditions	Appendix A – Driver’s Licence Conditions – Dual Driver and Private Hire Only	
Section Number (Current)	Section Number (Proposed)	Change
7.1-7.6	8.1-8.7	Minor layout changes
	8.3	Requirement for choice of payment options to be given to customers
10.1-10.2	11.1-11.4	Changes to lost property requirements as changes to what the Police will accept as lost property
20.5	21.5	Timescale removed for obtaining certificate
Appendix 2 – Private Hire and Hackney Carriage Vehicle Conditions	Appendix B – Vehicle Licence Conditions – Hackney Carriage and Private Hire	
Section Number (Current)	Section Number (Proposed)	Change
All Sections		Revised format of entire document creating 3 Sections – HC Only – PH Only – HC & PH
Hackney Carriage Only	1.4	Condition added preventing Category S vehicle from being licensed and Category N on a case by case basis
	1.5	Requirement for new vehicles to be Euro 6
	1.6	Requirement for renewal vehicles to be Euro 5 minimum
	1.7 - 1.11	Conditions added closing the grandfather rights from being transferred from vehicle to vehicle.
	3.1-3.2	HC requirements to display signage changed – No door signs only internal/external plates
Private Hire Only	6.4	Condition added preventing Category S vehicle from being licensed and Category N on a case by case basis

	6.5	Requirement for new vehicles to be Euro 6
	6.6	Requirement for renewal vehicles to be Euro 5 minimum
	7.1 - 7.3	Minor wording changes to signage requirements
	7.4	Condition requiring the Operator name and contact to be on display on the vehicle
	8.1-8.2	Requiring PH with a taximeter to adhere to all taximeter conditions
Appendix 3 – Private Hire Vehicle Exemption to Display Plate Conditions	Appendix C- Private Hire Vehicle Plate Exemption Conditions	
Section Number (Current)	Section Number (Proposed)	Change
1 - 2	2.1-2.2	Minor wording changes
3		Removed
4	2.3	Minor wording changes
8	2.4	Changes in wording from operator to vehicle
11	2.7	Minor wording changes
14		Removed
	2.11	Condition regarding payment added
Appendix 4- Private Hire Operators Conditions	Appendix D – Private Hire Operator Licence Conditions	
Section Number (Current)	Section Number (Proposed)	Change
All Sections		Revised format of entire document creating 11 Sections
	2.4	Operator name and contact required to be displayed on vehicles completing bookings
	2.6	Requirement for operator to disclose additional fees to the passenger such as late fees, soilage fees etc

	2.7	Requirement that passengers be provided with the choice of paying by card or cash
	3.1 - 3.4	Introduction of the requirements of The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 on licensed operators
	4.6	Condition requiring any operator with a premise open to the public during the Night-Time Economy hours to conduct an ongoing risk assessment to determine if SIA doorstaff are required
	4.7	Any premises open to the public between 1100-0800 must not sell hot food or drink without a LNR premises licence
	4.8	Condition requiring planning permission for a home address if large accumulation of vehicles etc
	4.8	Gaming machines not permitted
	4.9	Condition requiring all other operating locations be licensed
	4.10	Change of address to be completed if moving offices
	5.1-5.4	Operator required to provide and record training necessary for the performance of role, i.e dispatch or driver training
	6.1-.6.7	Conditions and tables demonstrating all records that must be kept for inspections and necessary DBS Checks
	7.1-7.2	Conditions requiring company policies that must be recorded and provided for inspection
	8.1	Condition specifying the exact information that must be recorded in each record of bookings

	9.2	Condition informing the operator that a HC cannot charge more than the meter price
	10.1-10.3	Conditions requiring all education transport and private contracts to be record as per condition 8.1
Appendix 5 – Licensing of Stretch Limousines – Special Conditions	Appendix E – Licensing of Stretch Limousines – Special Conditions	
Section Number (Current)	Section Number (Proposed)	Change
		Minor changes made altering the order of conditions to improve understanding, but no changes made to individual conditions
Appendix 6 – Hackney Carriage Byelaws	Appendix G – Hackney Carriage Byelaws	
Section Number (Current)	Section Number (Proposed)	Change
		No changes made to byelaws
Appendix 7 – Guidelines Relating to the Relevance of Convictions	Appendix F - Relevance and Treatment of Conditions	
Section Number (Current)	Section Number (Proposed)	Change
		Minor grammar corrections
No number assigned	Appendix H – HDC Penalty Points	
Section Number (Current)	Section Number (Proposed)	Change
		Previous Penalty Points never fully implemented. New Appendix sets out all information on points scheme.

Driver Conditions
Section 4 – 39.4
39.4 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.
Responses
Response 1 - (operator) The council should be clearer on a) the need for a PHV driver to obtain a ‘further appropriate formal driving qualification’ and b) what this formal qualification involves. There is a significant risk that this requirement will act as a disincentive for people thinking of applying to become a licensed PHV driver or make other licensing authorities more attractive as a licensing destination.
Licensing Team Response
This condition is not a new addition and is already in the policy. It can however be specifically re-worded to state what the additional driving test is.

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Vehicle Conditions

Appendix B - 7.1 – 7.4

7.1 Private Hire vehicles must always display, securely affixed on the outside to the rear of the vehicle, the yellow licence plate as issued by the Licensing Authority.

7.2 An internal licence plate, as issued by the Licensing Authority must be displayed on the front windscreen.

7.3 Private Hire Vehicles must have signage on the rear passenger doors of the vehicle as issued by Huntingdonshire District Council.

7.4 At all times, Private Hire Vehicles must also display signage bearing the name of the private hire operator for whom the booking is being fulfilled. This signage may be in the form of a logo or text and must be displayed on the front doors of the vehicle in a clear and legible way.

Responses

Response 1 - Driver

With regard to the proposed 2024 Draft Taxi Policy please find my thoughts on section 7.1, 7.2, 7.3 and 7.4 regarding private hire vehicles and the display of signage.

From what I can deduce the new proposed policies require private hire vehicles to permanently display the HDC and Private Hire operator signs at all times whether in use as a private hire vehicle or not.

I believe this could cause considerable safety issues as it doesn't take into account owner drivers such as myself who use their private hire vehicle as their own method of transport when not working and not in the district. Driving workers such as bus drivers and taxi drivers are already at high risk of abuse so their privacy is extremely important.

In my experience as a police officer this would make drivers easily identifiable (along with a rough home location) when off duty putting the following at high risk of assault, identification or potentially worse crimes:

- Female owner drivers
- Drivers of ethnic minorities
- Family members of drivers
- Children of drivers

I travel to many locations outside of Huntingdonshire in my vehicle with my spouse and children and I would not want my car identified as a private hire vehicle for privacy and safety reasons.

This serious safety issue can be circumvented by adding wording such as, "When the vehicle is in use for reward for private hire" or similar to separate personal and working use of that vehicle.

With this simple adjustment of the wording the council can protect themselves against any potential litigation in future, whilst also helping protect drivers and passengers.

Licensing Team Comments

Whilst a licensed vehicle always remains a licensed vehicle regardless of its use at the time, it is a known fact that licensed drivers also use their vehicle for private use when not working. As long as a non-licensed driver is not driving the vehicle, there is no issue with amending the wording of the conditions to specify the signage must be displayed at all times when in use for the purposes of completing bookings.

Appendix B – Removal of door signage for Hackney Carriages

Response

3x responses received supporting the removal of signage on Hackney Carriages as they already have distinguishing marks on these vehicles such as the Taxi and For Hire signs.

Licensing Team Comments

Section 26.5 – 26. 8 / Appendix B – 1.9

26.5 Existing hackney carriage plates 1-44 which have retained 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.

26.6 Any vehicle currently licenced under retained grandfather rights (Hackney Carriage plates 1-44) may continue to be licenced until the vehicle is no longer able to meet the vehicle safety inspection standards. It will also be subject to the emission requirements as set out in the policy, details of this can be found in Appendix B.

26.7 Once a vehicle licensed under the retained grandfather rights ceases to be licensed, the plate will be removed from the list of grandfather rights vehicles and only re-issued to a wheelchair accessible vehicle

26.8 A licence issued under the grandfather rights cannot be transferred to any other vehicle. This will not remove a proprietor's right to transfer their interest in the vehicle to someone else.

Appendix B 1.9 Any vehicle currently licenced under retained grandfather rights may continue to be licenced until the vehicle is no longer able to meet the vehicle safety inspection standards. It will also be subject to the emission requirements as set out below.

Responses

Response 1 - Operator

While we understand why Grandfather rights for a vehicle deemed unsafe should be removed, the emissions requirement for existing vehicles starting on 1st September 2024 negates the Grandfather rights completely. It would be useful to understand if there are any conditions under which the Grandfather rights could remain in place after 1st September 2024.

Response 2 - Operator

I am writing to you regarding concerns I have about the proposed draft consultation under section 3.

The main classes in contention are 26.5 and 26.6

It seems these clauses are aiming to get rid of Grand father right plates for HC 1-44 over a period of time based on vehicles naturally no longer meeting standards and vehicles not being allowed to be transferred.

We are rejecting the proposal on the following remit:

We as a company have invested heavily since the Euro 6 criteria where vehicles have to be under 5 years of age.

And now with this proposed change of non compliant grandfather right plates having to be re issued onto wheelchair accessible vehicles things will become untenable for me as an operator. New and used wheelchair accessible vehicles will require major financial input, in excess of £40,000.00. A figure that will put strain on the viability of my business in providing the much needed taxi trade service in the locality.

There is also the issue of customer feedback, where many customers at present are not willing to board wheelchair accessible vehicles based on size and pricing strategy. This will no doubt have impact on customer satisfaction and having to turn customers away, with future trade affected too.

This is our livelihood and we will struggle if the above criteria 26.5 & 26.6 are enforced and become mandatory.

Response 2 – Driver

This policy contradict with clause 25.1 where proprietor of vehicle has rights to transfer the vehicle to another vehicle with filling up transfer of vehicle form. I object this unfair treatment where the basic right of Hackney drivers are being taken away and forcing him to be either buy expensive wheelchair accessible vehicle or go out of trade. Those wheelchair accessible vehicles are not only expensive but also not comfortable. There are many member of public passengers who simply refuses to take a ride on wheelchair accessible vehicle and only accept to ride on saloon vehicles. This policy will lead to financial murder of grandfather rights.

Licensing Team Comments

The grandfather rights apply to hackney carriages with licence plate numbers 1-44. This grandfather right allows for saloon vehicles to be licensed instead of wheelchair accessible vehicles (WAV) which is a requirement under the Equality Act 2010 (section 160 & 163). The grandfather rights have been in place for a significant number of years and account for almost half of the licensed fleet, heavily reducing the amount of WAV's available in the district. At present, a vehicle proprietor is transferring the plate to a new, non WAV vehicle. The intention of the new condition is to close this 'loophole' and the introduce more WAVs into the licensed trade.

All other vehicle conditions must be met, including the new conditions proposed restricting Euro 4 emission standards vehicles.

The proposals, if coupled with the removal of age restrictions actually allow for a greater range of vehicles which can be newly licensed, therefore reducing some of the perceived financial burden.

The licensing team are not aware of any complaints or feedback from the public regarding preference to use a saloon vehicle.

The ability to transfer the licence from vehicle to vehicle will be closed, however the right to transfer between owners (provided in legislation) will not be affected by this change.

Section 3 – 16.1 & 16.2

16.1 Any application for the grant of a new Hackney Carriage or Private Hire vehicle licence, including hybrid or fully electric vehicles, must as a minimum meet Euro 6 emission standards.

16.2 From the 1st of September 2024, any existing licensed Hackney Carriage or Private Hire Vehicle must, as a minimum, meet Euro 5 emission standards. This new standard will be applicable upon renewal of the vehicle licence and if it does not meet Euro 5 standards, the licence will be refused.

Responses

Response 1 – Driver

I would object to this proposal as it will cause a sudden financial burden on taxi drivers to change the vehicle, even the current vehicle is 100% mechanical fit. Not all driver has finance resources and will lead many drivers to be out of work due to unaffordability of buying new EURO 6 vehicles. I would suggest to keep re-licencing current vehicle which are mechanically fit for compliance test.

Response 2 – Driver

I think all Euro 4 and Euro 5 should be removed from being a taxi

Response 3 – Operator

We also welcome your decision to not to renew of Euro 4 taxifrom this year,- they are all rusty, very often break down on road, and drivers are cheating during Mot(temporary fix, borrowing wing mirrors, doors, bumper etc from other drivers who has similar vehicles and give them back once Mot is passed, I have personally witnessed this Many times)

Response 4 – x2 Drivers (same response)

I am reaching out to you as a self-employed individual who holds a Huntingdon District Hackney License, I am the primary provider for my young family, and a homeowner whose livelihood hinges on the operation of my wheelchair accessible taxi. After reviewing the recent consultation regarding licensing regulations, particularly pertaining to Euro 4 vehicles, I am compelled to share my concerns and thoughts, respectfully, I would request an extension of at least four years before any regulatory changes are enforced.

As a taxi driver predominantly stationed at the Huntingdon train station rank, the sustainability of my 7-seater wheelchair accessible vehicle directly impacts my financial stability. This vehicle not only serves as my primary income source but also affords me the flexibility to attend to my young family's needs, including school engagements and appointments.

The potential loss of my taxi due to the proposed regulations would not only pose a financial setback but also impose exploring alternative avenues of support, potentially through government benefits. Additionally, the current economic downturn, compounded by the existing recession in the UK, increases the challenges faced by self-employed individuals like myself.

The abrupt implementations of these regulations would render my vehicle unsuitable for licensing elsewhere or for private sale due to its age and mileage, consequently depreciating its value significantly. Furthermore, the steep price hike for Euro 6 wheelchair accessible vehicles presents a financial obstacle that I cannot surmount without assistance.

Hence, I respectfully request an extension of at least four years to continue operating my current vehicle. During this period, I commit to diligently saving towards acquiring a Euro 6 wheelchair accessible vehicle in alignment with the council's Cleaner and Greener Huntingdonshire policy. Additionally, any support, grants, or bursaries extended by the council to facilitate this transition would be immensely appreciated.

I trust that you will consider my situation and recognise the hurdles faced by self-employed taxi drivers supporting dependent families. Your understanding and cooperation in this matter are vital and would benefit not only me but also many others Taxi drivers in similar circumstances.

Response 5 – Environmental Health HDC

The proposal is that with new licences the vehicle must, as a minimum, meet Euro 6 emission standards and from September this year any existing licensed vehicles must, as a minimum, meet Euro 5 emission standards. This is positive, however, it is noted that consideration could be given to promoting the use of dual fuel or fully electric vehicles in more urbanised areas in future and as the policy is only reviewed every 5 years it could be considered whether this could be included now as a future objective.

Response 6 – Driver

The removal of the entry age requirement is again, a sensible decision, given that testing the roadworthiness and suitability of vehicles for service to the public was already in place and continues to be a better measure of suitability than an indiscriminate age limit on entry, especially when those working in the industry are aware that, especially in the case of hackney carriage vehicles, and wheelchair accessible hackney carriage vehicles in particular, such specialist vehicles are significantly more expensive to buy and run than the saloon vehicles used as private hire vehicles, and are accordingly constructed to a better standard and with greater longevity in mind.

The specialist nature of these vehicles and their greater longevity mean that a new wheelchair accessible hackney carriage vehicle, (which are the only hackney carriage vehicles available as new applications,) are priced at around £38,000 or more and some secondhand makes and models command a price between £23,000 and £39,000, which given their greater utility and service to the

community compared with the price of new and secondhand estate and saloon cars available to private hire and hackney carriage legacy drivers, (which can be as little as £10,000 for a policy compliant secondhand vehicle, to £20,000 for a new compliant vehicle,) has been a barrier to new entrants and a barrier to vehicle replacement. It has also offered an unfair advantage to private hire and drivers of legacy hackney carriage vehicles that are estate and saloon cars that have both a lower purchase price and that also offer greater fuel efficiency and running costs than wheelchair accessible hackney carriage vehicles, which was further confounded by the irregular mileage rate reviews and increases that create price shocks amongst users.

All this being said, the removal of the “5 year” entry rule and the end to this very obvious inequity is to be welcomed, and it is to be hoped that revisions to other parts of the policy are not taken forward to effectively produce the same undesirable and unintended consequences on drivers of wheelchair accessible hackney carriage vehicles in Huntingdonshire.

I also note that there is a proposal to set a minimum emissions standard for licensed vehicles at Euro 6 for newly licensed vehicles and Euro 5 for existing licensed vehicles, and this is effectively introducing the 5 year rule in another format, based on vehicle emissions, that like the proposed existing 5 year rule, will act as a barrier to entry for new entrants to the wheelchair accessible hackney carriage service and to replacements of older wheelchair accessible hackney carriage vehicles as their purchase and running costs are prohibitive relative to private hire and legacy hackney carriage estate and saloon cars. The Council will already be aware of the difficulties wheelchair passengers experience in sourcing a wheelchair accessible hackney carriage or private hire vehicle in Huntingdonshire District, and I note that the Council has proposed to amend the current policy so that a register of licensed wheelchair accessible vehicles will be maintained.

This is a very positive step, and one that I have suggested to the many wheelchair users that have contacted me should be set up, and it is encouraging to see that their voices have been heard.

It should be noted however, that it will not resolve the shortage of availability that exists in the District overall, (e.g. there are fewer than 5 wheelchair accessible taxis working in St. Neots, which has a population of over 33,000 residents,) and that the likely consequence of that change to policy will be a further reduction in the number of wheelchair accessible vehicles available for public or private hire to wheelchair user passengers in Huntingdonshire.

It should also be noted that I have been contacted by many passengers to whom I have recommended Huntingdonshire based services that have wheelchair accessible vehicles in their fleet that operate in the area that the passenger requires, and the passenger has confirmed that the providers I have suggested they try have told them either that their vehicle is already fully booked for the date required by the passenger or that the vehicle is unavailable for some other reason. The situation is such that I now find myself travelling to passengers across the whole district, because passengers have been unable to source on a suitable future date, provision for their prospective booking. Any actions on the part of the

Council that reduce the availability of transport provision for disabled passengers will be detrimental to the needs of those passengers.

The requirements to reduce emissions to improve air quality for resident, particularly emissions from diesel vehicles in inner city areas, has been understood and responded to with the introduction of low emission zones and the introduction of emissions charging and a phasing out of diesel vehicles in public transport and local authority owned vehicles. Whilst the impact on resident's air quality in cities such as London and Manchester has been well documented, there doesn't seem to be a similar case that the residents of predominantly rural areas, such as Huntingdonshire, which suffers little or no traffic congestion in which vehicles with running engines stand or move slowly, the Council should demonstrate that there is a significant benefit to be gained from forcing from service, public and private hire vehicles that remain lawful to use on the roads and that won't be subject to restrictions or additional charges in the District when not being driven as licensed vehicles.

To force such vehicles off the road, when they are, in all other respects legal and roadworthy and may be driven as ordinary vehicles, simply because they're under the control of the District Council would be disproportionate and punitive. There is also no evidence provided by the Council in its proposals that would show that the number of non Euro 5 or Euro 6 vehicles currently operating as public or private hire vehicles in the District is such that a universal ban on non Euro 5 and Euro 6 vehicles would have any meaningful impact on emissions reductions or on air quality for residents. It should be incumbent on the Council to provide evidence of the current number of licensed private hire and hackney carriage vehicles that will not meet the new requirements, so that an assessment can be made by those commenting and providing feedback can do so in an informed way, such that they can assess the number of individuals affected and the scale of benefit to be expected from such as ban.

Furthermore, where licensed vehicles that do not meet licensing department emissions standards have been removed from service by Councils through a change in licensing requirements, the licensing bodies that have instigated and enforced those changes have set up "scrappage schemes" to compensate owners of licensed vehicles for the loss of their vehicle and the costs of replacing that vehicle with one that meets the licensing authorities' revised standards, to ensure individuals and owners are not disproportionately affected in pursuance of the licensing authorities' wider aims.

In addition to the scrappage compensation schemes outlined above, licencing authorities that have introduced regulations banning from service licensed vehicles that do not meet licensing authorities' revised emissions standards have also ensured a suitable implementation period from the time the new policy comes into effect to the time such vehicles must be removed from service, rather than simply requiring such vehicles to be removed from service on the date of implementation of the revised policy.

As an alternative to supporting licence holders with scrapping non compliant vehicles, other licensing authorities that have enforced the withdrawal from service

of vehicles through policy changes such as those proposed by the council have provided support to licence holders to convert their vehicles to less polluting alternatives that also extend the working life of the vehicle through, e.g. conversion to LPG which permits the vehicle to remain in service for nn years after the date of conversion, or through the installation of a compliant engine. This approach also has the virtue of not reducing to scrap a vehicle which in all other respects remains viable as a service vehicle before being scrapped, this further defraying the original environmental impact that arose from its initial production.

Should Huntingdonshire District Council decide that the aim of improving air quality by reducing the number of non Euro 5 or Euro 6 compliant vehicles in service is proportionate to the impact of removing that number of vehicles from service and the likely reduction in wheelchair accessible transport to disabled passengers in rural areas with few available suitable transport alternatives, then an appropriate phased implementation period of at least 12 months taxi plate/plates from the date of implementation of the policy to the removal of affected vehicles from service in the District.

10x other responses supporting removing the 5 year age restriction in favour of a Euro 6 minimum

4x other responses opposing the removal of Euro 4 from trade

Licensing Team Comments

The current policy requires a newly licensed vehicle to be a maximum of 5 years old from date of first registration. Currently that would require a vehicle to be no older than a 2019 model vehicle. By introducing a minimum requirement of Euro 6, this would increase the maximum age to include vehicles from 2015 (as long as they are Euro 6 compliant) allowing the trade a greater range of vehicles at potentially far cheaper prices, all whilst achieving the aim of lower carbon emissions.

The removal of Euro 4 is seen as a positive step to not only reducing carbon emissions, but also removing older, potentially less reliable vehicles from trade, some of which are approaching almost 20 years old. The Licensing Team have seen an increase in vehicles routinely failing inspections, some for very serious safety failings.

There is an obvious need to restrict vehicles from both a safety and emissions perspective. Given the restraints of a small team, there are only very few options which are both manageable and effective in achieving this outcome. These options come down to an age restriction or an emissions restriction. The downside to an age restriction is the limit is ever changing with each year and being a blanket restriction, does not keep up with any euro standard changes. The best and most adapt way is to adopt a euro emission standard which sets a minimum standard.

Given the level of response, there can be some compromise to minimise the impact on vehicle licence holders with amended proposals:

Proposal 1

'From the 1st of January 2025, any existing licensed Hackney Carriage or Private Hire Vehicle must, as a minimum, meet Euro 5 emission standards. This new standard will be applicable upon renewal of the vehicle licence and if it does not meet Euro 5 standards, the licence will be refused. Any licence holder who currently licenses a Euro 4 vehicle, may upon refusal of a renewal licence present a Euro 5 vehicle for first licensing.'

Proposal 2

'From the 1st of June 2025, any existing licensed Wheelchair Accessible Hackney Carriage or Private Hire Vehicle must, as a minimum, meet Euro 5 emission standards. This new standard will be applicable upon renewal of the vehicle licence and if it does not meet Euro 5 standards, the licence will be refused. Any licence holder who currently licenses a Wheelchair Accessible Euro 4 vehicle, may upon refusal of a renewal licence present a Wheelchair Accessible Euro 5 vehicle for first licensing.'

Section 3 – 16.3

16.3 Any licensed Hackney Carriage or Private Hire vehicle that is still licenced once it reaches 8 years old or more from first registration will be required to complete a Certificate of Compliance check at the Council approved garage every 6 months for as long as it remains a licenced vehicle.

Responses

Response 1 - Operator

We do not agree with the need for twice yearly tests for these vehicles. We believe it will add unnecessary costs for drivers and operators.

15x driver responses requesting only one inspection per year in addition to the significant responses that are listed below

Response 2 - Operator

We adamantly oppose the proposal outlined in section 16.3. Implementing such a measure would place unjustified burdens on vehicle owners and operators without sufficient rationale or consideration for their challenges. This proposal fails to account for the diverse circumstances and needs of businesses, especially in the face of economic challenges such as inflation and rising costs of living. It is imperative for decision-makers to reassess this proposal and engage in meaningful dialogue with stakeholders to develop more balanced and fair solutions that do not unduly burden businesses already struggling to survive in the current economic climate.

Subjecting licensed Hackney Carriage or Private Hire vehicles to mandatory biannual Certificate of Compliance checks solely based on age discrimination is unjust and impractical. Age alone does not dictate the safety or roadworthiness of a vehicle. Implementing such a policy unfairly burdens vehicle owners with additional expenses and inconvenience without sufficient evidence that older vehicles pose a greater risk. Instead, a more equitable approach would involve regular inspections based on performance and condition rather than arbitrary age limits. This would ensure that all licensed vehicles meet the necessary safety standards, regardless of their age.

Given that a significant portion of our fleet and other companies in St Ives are primarily utilized for school transportation, resulting in minimal mileage accumulation, there is a compelling argument to adjust the inspection frequency

for these vehicles. Conducting inspections every six months seems excessive and inefficient for vehicles that are subjected to low usage and operate in relatively controlled environments such as school routes. Adjusting the inspection schedule to align with the actual usage patterns of these vehicles would be a more sensible and pragmatic approach, ensuring resources are allocated effectively while still maintaining safety standards.

In light of the challenging economic circumstances faced by businesses, particularly amidst inflation and rising costs of living, it is imperative for regulatory authorities to empathetically consider the difficulties confronting vehicle owners and operators. Adding additional burdens, such as more frequent inspections, without taking into account the existing challenges faced by businesses, could exacerbate financial strain and further jeopardize the viability of operations. Therefore, it is prudent for authorities to exercise flexibility and understanding, taking into account the broader economic context when implementing regulatory measures to ensure they are reasonable and equitable for all stakeholders involved.

Response 3 - Driver

I have a PEUGEOT EXPERT TAXI 59 plate in very good condition, I take pride in my vehicle and always ensure it is fit for purpose just as I am.

I understand the whole situation on carbon emissions and euro standards and wording changed from "global warming" to climate change, from the ozone layer depleting and ice caps melting, which we are still waiting for to happen.

Sorry to digress, generally MOT is undertaken annually and so by law we have to have an annual MOT check and DVLA allows us and it means that for a year our vehicles are road worthy (needless to say the roads aren't worthy for the vehicles).

I find it pointless and time consuming for 6 months checks to be done, all it is doing is generating more revenue for the tester and we drivers are out of pocket. It is our responsibility to ensure that our vehicles are safe maintained to very high standards and they are put bread and butter.

Response 4 - Driver

I would object his proposal for not understanding the ground of this proposal. Why vehicle does need 6 months compliance check if it passes the national standard 12 month compliance check. Clearly policy draft maker are considering only the age of vehicle but not the health and fitness of vehicle. I am surprised policy maker has not suggested for daily or monthly test for 10 year or more old vehicle. Another point is for vehicle insurance, does more than 8 year vehicle need to be insured for every 6 month? It is not clear in the policy draft.

Response 5 – Driver

The proposed introduction of six monthly tests for roadworthiness is also a positive change, given that, so far as I am aware, Huntingdonshire District Council, unlike many other licensing authorities does not undertake roadside inspections.

I note however, that the proposal is unclear on whether the six monthly tests for vehicles over 8 years old will also require such vehicles to have a new licence

plate issued every six months, and will effectively increase the District Council's licensing income stream at the expense of hackney carriage drivers, or whether the test will simply be required in order to ensure the vehicle licence plate is not revoked should the vehicle fail it's second test in the twelve month period.

Licensing Team Response

The licensing team have noticed a growing concern with the frequency of vehicles failing inspections, some due to serious safety concerns. Whilst age alone cannot be a reliable measure for the safety of a vehicle, it is far more likely that an older, higher mileage vehicle will have more mechanical defects than a newer, lower mileage vehicle. Similar to the comments made about some form of restriction for vehicle age/emission standards, there needs to be something implemented to ensure vehicles are safe to be used for journeys.

The average licensed vehicle is likely to be used far more frequently than an average vehicle which is subject to an annual MOT, therefore it is not unreasonable to require a licensed vehicle to undergo two inspections per year when a certain age is reached. If the proposal to change the 5 year limit on newly licensed vehicles to accepting a minimum of Euro 6 standards, then a newly licensed vehicle may enter the trade up to 9 years old with no mileage restrictions.

Therefore, it is recommended that one additional test per year is required for all vehicles over 8 years old. This is benchmarked across all other districts in the Cambridgeshire County area, with the other local authority requirements listed below:

Cambridge City – all vehicles to be tested every 6 months

Peterborough City – after 8 years old for any vehicle hybrid 105g/km or lower / after 6 years if conventional fuel

Fenland District – all vehicles after 5 years of age, tested every 6 months

South Cambs District – no frequency given, but annual standard MOT + CoC required

East Cambs District – all vehicles after 6 years of age, tested every 6 months

Under the Local Government (Miscellaneous Provisions) Act 1976, there is provision for a licensing authority to require a vehicle to be presented for inspection to ascertain its fitness providing a vehicle is not required to undergo more than 3 inspections in a 12 month period.

Section 3 – 24.9

24.9 A hackney carriage driver or private hire operator must ensure that the customer is offered the option of making payment via card or cash.

Responses

Response 1 - Operator

We understand that this requirement pertains specifically to hackney carriage drivers offering card payments and does not mandate private hire operators to provide cash payments. To avoid any ambiguity, we suggest modifying this section accordingly.

3x other responses received supporting this condition

Licensing Team Response

The wording on the final policy can be altered to clarify that cash payment is not a requirement rather where cash only is accepted, a card payment option must be offered.

Private Hire Operator Conditions	
Appendix D - Sections 1.1, 1.2, 5.3, 5.4	
<p>1.1 Operators must ensure that only licensed drivers carry out bookings and are appropriately trained for their role.</p> <p>1.2 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.</p> <p>5.3 Where a private hire operator is dispatching a wheelchair accessible vehicle, the driver must be provided suitable training in how to safely load, unload and transport passengers.</p> <p>5.4 All training must be documented and provided upon request by an authorised officer as detailed in section 7.</p>	
Responses	
<p>Response 1 - Operator</p> <p>Section 4 39 establishes the training, knowledge and competency requirements for a PHV driver seeking a new licence. Appendix D 1.1 and 1.2 contradicts this, by suggesting that the operator must ensure that licensed drivers are trained appropriately for their roles. While PHV operators can implement checks to ensure PHV drivers are appropriately licensed, the training component of obtaining a PHV driver licence can only be delivered and confirmed by the licensing authority. Additionally, Appendix D 5.3 and 5.4 puts the sole burden of training a PHV driver for wheelchair accessible bookings on to the operator. This training should be included as part of the PHV driver’s application and provided alongside the other training and knowledge requirements as part of the licensing application process.</p>	
Licensing Team Comments	
<p>The Licensing Authority have a responsibility to ensure that a driver is fit and proper to hold a licence. As part of this assessment a driver must pass a local knowledge test and a driving assessment. This is the minimum ‘training’ requirement in order to receive a licence. It remains the operator’s responsibility to ensure that drivers are appropriately trained for their role such as company standards of service, company complaints policies and expectations.</p> <p>If an operator utilises a wheelchair accessible vehicle, the operator under Health and Safety law is required to ensure that the driver is appropriately trained.</p>	
Appendix D – 1.3	
<p>1.3 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.</p>	
Responses	
<p>Response 1 – Operator</p> <p>To provide clarity around those directly employed and self-employed within the PHV industry, we recommend that in Appendix D 1.3 the term ‘utilise’ is changed to ‘employ’.</p>	

Licensing Team Comments

Wording can be changed to ‘...and only provide bookings to persons who’. It is felt that by using the word ‘employ’ an operator may try to absolve responsibility by stating a driver is self employed.

Section 3 – 15.4, Appendix B – Section 7.4, Appendix D - Section 2.4

2.4 The operator’s name and contact information must be displayed on the vehicle unless a valid private hire plate exemption has been issued.

Responses**Response 1 – Operator**

We agree with the proposal in Appendix D 2.4, the operator’s name and contact information must be displayed on the vehicle unless a valid private hire plate exemption has been issued. To avoid any confusion, we recommend that the council includes the requirement for the operator’s contact information in Section 3 15.4 and Appendix B 7.4.

Response 2 – Operator

We are surprised by this proposal. The Department for Transport's (DfT) recent Best Practice Guidance explicitly advises against imposing livery requirements, and in 2023, we witnessed a nationwide shift away from mandatory operator vehicle signage, with tens of authorities opting to remove such requirements. Based on our discussion, we understand that the objective of the proposal is twofold: to enhance passenger and driver safety and to assist passengers in identifying their pre-booked vehicle. We have undertaken an analysis of our data to understand whether operator vehicle signage is capable of achieving these aims.

In 2023, we facilitated over 30 million journeys across 40 local authorities, encompassing areas both with and without operator vehicle signage requirements. We maintain detailed records of these journeys, including passenger and driver complaints and reports from police and local authorities.

Our analysis revealed no statistically significant difference in the frequency or the severity of safety incidents between authorities with and without signage. Even when narrowing our focus to instances of driver impersonation and incorrect vehicle arrivals, the data shows no discernible difference.

Furthermore, our findings indicate that operator vehicle signage does not improve a passenger’s ability to identify their pre-booked vehicle. Passengers take approximately the same amount of time to identify their vehicle, and cancellation rates due to identification issues are consistent. We attribute the majority of cancellations to infrastructure and congestion and can support the Council in locating any such pressure points in Huntingdonshire.

The DfT opposes mandatory operator vehicle signage, in part, due to concerns that it heightens the risk of passengers misidentifying private hire vehicles as taxis, thereby increasing uninsured ply-for-hire journeys. Our discussions with drivers echo these concerns. They recount experiences of intoxicated passengers attempting to hire them, jeopardising their safety and livelihood.

We also note that operator vehicle signage can easily be reproduced and distributed to non-licensed drivers. Last year, we were alerted to companies reproducing our signage without permission in Sheffield. The signs being reproduced were high-quality, depicting our logo and that of the local authority accurately. Passengers cannot and should not be reliant on operator vehicle signage to identify their vehicle.

Considering the lack of correlation between operator vehicle signage and the proposal's objectives, alongside the potential downsides, including increased plying-for-hire and the financial burden on drivers to acquire signage, we oppose the imposition of this requirement.

Instead, we propose requiring operators to furnish passengers with comprehensive upfront journey information. This could include the driver's full name, photo identification, private hire licence number, vehicle registration number, route details, and real-time updates on arrival times. We provide this information to passengers and believe it's the most effective means for them to identify their pre-booked vehicle.

Licensing Team Comments

There are reasonable arguments for and against the decision to require the operator name and contact to be displayed on the vehicle as evidenced above.

Whilst Bolt cite the DfT guidance on door signs causing an increase in misidentification of a taxi, it is not certain how this conclusion was drawn as the DfT are in support of door signage stating pre-booked only. It is not clear how an operator sign would create confusion when paired with a private hire door sign. The DfT's own guidance seems to contradict itself in this respect.

The point raised about public approaches to parked vehicle does resonate in more built up areas and this could be reason enough to not require signage.

It must also be noted that a significant number of vehicles seen in the district already voluntarily display signage, including Bolt who issues drivers with door signage.

Appendix D - Section 4.6

4.6 Where a premises is open to the public during the 'Night-Time Economy' hours of 1800hrs to 0600hrs, the private hire operator must conduct an ongoing risk assessment to ensure that where it is considered necessary, sufficient SIA security officer/doorman will be employed at the premises.

Responses

Response 1 – Operator

We are aware of the safety concerns for these types of premises. We note that although necessary, the proposed risk assessment and need for sufficient SIA security officer/doorman, could increase operating costs for PHV operators.

Licensing Team Comments

There should be no extra cost to operators unless the need for SIA security is deemed necessary. At present there is not a significant 'late night economy' in the district, however with regeneration schemes etc, the district may start to attract businesses who wish to operate later into the night. These proposals do not explicitly require SIA security, rather require the operator to determine via risk

assessment if necessary. This is standard practice for licensed premises selling alcohol and to date has not caused a negative impact to those premises.

Appendix D - Section 4.7

4.7 Hot food or drinks, including those provided by a self-serve vending machine, must not be sold between the hours of 1100hrs and 0800hrs, unless the premises has a Late Night Refreshment licence.

Responses

Response 1 - Police Licensing Officer

Error is times listed

Licensing Team Comments

The adopted policy will need to read 2300hrs to 0500hrs.

Appendix D – Section 6.7

6.7 Due to the requirement of all dispatch staff requiring a basic DBS certificate, as referenced in the DfT Statutory Guidance, it will not be permitted for overseas call centres to be used by private hire operators.

Responses

Response 1 – Operator

Use of overseas call centres is commonplace across the PHV industry as it is in many other industries. The council permits certificates of good conduct for those it is seeking to licence as PHV drivers and this is recommended in section 4.10 of the DfT Statutory Guidance. It is reasonable that this should be extended to those providing services in overseas call centres.

Licensing Team Comments

The statutory guidance issued by the DfT states the following in relation to dispatch staff:

‘Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.’

‘Operators should be required to evidence that they have had sight of a basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders’

‘Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.’

The guidance issued on certificates of good conduct provide advice on obtaining this check in the event of an applicant having only been in the UK for a short period of time or having had extended periods of time outside of the UK. It is not our belief that this is appropriate for a permanent overseas worker linked to the operating business.

Section 3 – 26.12
<p>26.12 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 both the proprietor/driver and operators' responsibility to ensure that they understand fully how to use the equipment. Written training records must be maintained, and refresher training provided as required and kept for at least 2 years and are available upon request to an authorised officer.</p>
Responses
<p>Response 1 – Operator</p> <p>We believe that this training requirement should be delivered as part of the PHV driver licence application process.</p>
Licensing Team Comments
<p>The are currently no requirements for a private hire vehicle to be wheelchair accessible and as such, a driver may never use a wheelchair accessible vehicle (WAV). It is therefore necessary that the private hire operator ensure that any driver they use to fulfil a booking in a WAV is suitably trained. Many of the WAV's in HDC are licensed directly by the operator and not the driver. The onus must remain on the operator to ensure that a driver is suitably trained, regardless of whether they provide the training directly or not.</p> <p>Should the committee wish to do so, it may adopt a requirement that all licence holder and new applicants undergo an additional wheelchair assessment training course provided by Blue Lamp Trust. This would however place a burden on all drivers to undergo training even if they are never going to use a WAV.</p>
Section 5 – 55.3
<p>55.3 Operators must have a list of current dispatchers and have sight of a basic DBS disclosure. Further information can be found in Appendix D.</p>
Responses
<p>Response 1 – Operator</p> <p>The wording in this section is unclear and requires further clarification. It alludes to Appendix D 6.6, which sets out a wider group of employees that requires DBS checks – 'all staff that have contact with the public and/or oversee the dispatching of vehicles or have access to booking records.'</p> <p>For consistency, this full list should be included in Section 5 55.3.</p>
Licensing Team Comments
<p>Alterations to final wording can be made for clarity</p>

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Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: **Business and Planning Act 2020 – Pavement Licence**

Meeting/Date: Licensing and Protection Committee – 15 May 2024

Executive Portfolio: Executive Councillor for Customer Service–
Councillor Stephen Ferguson

Report by: Michelle Bishop – Licensing Manager

Ward(s) affected: All or list individual Ward(s)

Executive Summary:

This report is to explain the changes to the temporary pavement licensing regime under the Business & Planning Act 2020 and the impact of the changes to this regime made by the Levelling-Up and Regeneration Act 2023.

New legislation has come into force on 31 March 2024 to make permanent changes to the temporary pavement licensing regime currently under the Business & Planning Act 2020 and has introduced changes including a new capped level fee structure for new and renewal applications.

The Business and Planning Act process provides a streamlined and cheaper route for businesses such as cafes, restaurants, and bars to secure a licence to place furniture on the highway. This will provide much needed income for businesses and protect as many hospitality jobs as possible, particularly during times of increasing living costs

Recommendation(s):

That the Licensing & Protection Committee take note of the changes to temporary pavement licensing and proposed transitional arrangements and agree:

- **That the fee for applications be charged at the set amount in the table below:**

	Fee A - Up to a maximum of 5 Tables and/or 20 chairs	Fee B - Over 5 tables and/or 20 chairs
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New Licence for up to 2 Years	£330	£380
Renewal Licence for up to 2 Years	£240	£280

- **The length of licence be granted for 2 years or less by exception only.**
- **Any appeal following refusal of an application or revocation of a licence to be referred to the Licensing & Protection Sub-Committee.**

1. PURPOSE OF THE REPORT – BACKGROUND INFORMATION

- 1.1 Temporary Pavement Licences were introduced by the Business & Planning Act 2020 (BPA 2020) on 19 August 2020 to streamline the process of obtaining a pavement licence and help businesses during the Covid pandemic.
Section 229 of and schedule 22 of the Levelling Up & Regeneration Act 2023 (LU&RA 2023) amends the Business & Planning Act 2020 to make the provision of temporary pavement licences permanent. The commencement date for this amendment was 31 March 2024.
- 1.2 From 31 March 2024 the process for issuing temporary pavement licences under the BPA 2020 became permanent under the LU&RA 2023. A letter and guidance from the Department for Levelling Up, Housing & Communities was issued to all Local Authorities in England on 2 April 2024. A copy of the letter can be found at **APPENDIX A** and the Government Guidance is attached as a link to this report.
- 1.3 The main changes to temporary pavement licensing as a result to the amendment to the BPA 2020 are as follows:
- The introduction of maximum standard capped fees for new and renewal applications. The fee levels are capped at a maximum amount of £500.00 for new applications and £350.00 for renewal applications.
The fee applicable for a temporary pavement licence was previously £100.00.
 - The duration of the consultation and determination periods have increased from 7 days to 14 days for each.
 - The maximum term a licence can be granted has increased to 2 years (from one-year previously).
 - The new guidance makes clear that a minimum width of 2000mm clear space should be provided between the furniture and edge of the footway.
However, if this is not possible due to physical constraints then a minimum width of 1500mm could be regarded as the minimum acceptable distance.
 - Pavement licences will be issued with, mandatory, national and local conditions. The mandatory conditions and local conditions can be found at **APPENDIX B** (subject to slight amendment). At the time of writing this report the regulations outlining the national conditions have not yet been published.
 - Local Authority now have the enforcement powers to remove furniture from the Highways linked to unlicensed use.

2. TRANSITIONAL ARRANGEMENTS

- 2.1 The licensing team currently manage a total of fourteen pavement licences, of which all of these were issued before 31 March 2024 and therefore were licensed under the BPA 2020.
- 2.2 These licences will expire on 30 September 2024 in line with the guidance issued from Government last year.
- 2.3 Work has commenced in updating our information to the public and to update our application process, which will include liaising with current licence holders to ensure a smooth transition.

3. IMPACT OF THE CHANGES

- 3.1 It is important for Members to be aware of the amendment to the BPA 2020 and the possible impact the changes may have on the licensing team.
- 3.2 Members to note the attached guidance
- 3.3 Members to note Section 7 of the guidance 'Enforcement and to be aware of possible circumstances where the local authority may enforce or revoke a licence and the possibility of removing furniture from the highway, see section 7.2 *'When can furniture be removed?'*
- 3.4 A further report will be submitted at a later meeting of the Licensing & Protection Committee to: To present a draft policy for consideration.

4. CONSULTATION

- 4.1 Not required as updated/new legislation

5. LEGAL IMPLICATIONS

- 5.1 The legislation does not have a statutory right of appeal, any appeal would heard by the Licensing & Protection Sub-Committee.

6. RESOURCE IMPLICATIONS

- 6.1 There is a resource cost for this additional piece of work and therefore the fees set will support these costs to the Council.

7. BACKGROUND PAPERS

- Government Guidance updated 02 April 2024; [Pavement licences: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/pavement-licences)

- The commencement Regulations - [The Levelling-up and Regeneration Act 2023 \(Commencement No. 3 and Transitional and Savings Provision\) Regulations 2024 \(legislation.gov.uk\)](#)
- Legislation updated 10 August 2023: [The Business and Planning Act 2020 \(Pavement Licences\) \(Coronavirus\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)

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Department for Levelling Up,
Housing & Communities

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All Council Leaders and Chief Executives of
English local planning authorities

2 April 2024

Dear [x]

PERMANENT PAVEMENT LICENSING REGIME LEVELLING UP AND REGENERATION ACT 2023 COMMENCEMENT

On 31 March 2024, we commenced the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023. The provisions introduce a permanent pavement licensing regime in England to replace the temporary provisions introduced by the Business and Planning Act 2020. This permanent regime retains the key features of the 2020 regime, intended to streamline processing and reduce costs, but also incorporates some changes, outlined below, to ensure the long-term sustainability of the model.

Amendments set out in the LURA 2023

The LURA introduces several new pavement licensing provisions:

Firstly, the fee cap for a pavement licence application is increasing. It will no longer be capped at £100 but instead be capped at £500 for first time applications and £350 for renewal applications, subject to each local authority deciding the level of fee up to the cap. The increase and fee cap intend to balance both local authority and business interests. This increase in fee cap is intended to allow local authorities to recover the costs of processing, monitoring and enforcing licences.

Under the permanent regime, local authorities will now also be able to grant pavement licences for a length of their choosing up to a maximum of two years. As set out in the updated guidance, we encourage local authorities to grant businesses the maximum two years unless there is a good reason to do otherwise.

The 7-day consultation and 7-day determination periods provided under the temporary regime, will be extended to 14 days for each. This change has been made to reflect asks from local authorities to have a reasonable time to process applications; while balancing

businesses' need for a quick determination; and the need of members of local communities, particularly those with disabilities, to have a sufficient time to input, in mind.

Finally, the new pavement licensing provisions under the LURA 2023 grants local authorities' new enforcement powers. From the commencement date, local authorities will now, with the consent of the licence-holder, be able to amend the licence in certain circumstances. Local authorities will also be able to give notice to businesses who have placed furniture on the relevant highway without the required licence. If furniture continues to be placed on the highway, in contravention of the notice, the authority may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture, and refuse to return the furniture until those costs have been paid. If within three months of the notice being served, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

Additional smaller changes in the guidance

Along with the amendments to the pavement licensing regime under the LURA 2023, we have made several minor changes to the guidance to clarify certain points within it and make it more comprehensive and considerate of the various groups affected by the regime.

We have clarified section 4.1 of the guidance, which sets out what local authorities, when considering the needs of disabled people, should assess when they set conditions, determine applications, and consider whether enforcement action is required. The previous guidance interpretation [Inclusive Mobility](#) was misleading. New guidance makes clear that under normal circumstances a width of 2000mm is the minimum that should be provided. In cases where this is not possible, a width of 1500mm could be regarded as the minimum acceptable distance. Though, local authorities should take a proportionate approach when measuring this.

In addition to this change we have also flagged that when considering the no obstruction condition licencing offices should be mindful of the cumulative impact of multiple pavement licences and the potential impact this could have on disabled pavement users.

Following feedback, we have provided more clarity on which types of furniture are permissible under this pavement licensing regime. Licences granted under this provision are exclusively for the use of furniture pertaining to the consumption of food and drinks, for example, tables and chairs. Other furniture, such as advertising boards, are not included. This furniture must be removeable.

Transitional Arrangements

The new pavement licensing provisions came into effect on 31 March 2024. Along with the renewals process introduced under the new regime, there are transitional arrangements in place to ensure the transition from the temporary regime to the permanent one is a smooth one for the entire sector.

Existing licence-holders can retain their licences granted under the temporary regime until the expiration date on their licence. After these existing licences expire, on or after 31 March 2024, businesses can reapply under the renewals process and be charged up to the

maximum renewal fee of £350, subject to the local authority deciding the level of fee up to the cap.

Existing licences with no fixed end date will be extended for two years from the commencement date and licences that were deemed to be granted due to the local authority not being able to determine the application on time, will also be extended for two years from the commencement date.

Applications submitted to the local authority on or before 30 March 2024 but determined on or after 31 March 2024 will be subject to some of the arrangements of the temporary regime, namely the 7-day consultation and 7-day determination periods and the up to £100 application fee. However, they will benefit from the new maximum duration of up to two years.

Applications determined before 31 March 2024, will be subject to the new enforcement power under the permanent regime, which grants authorities the power to amend the licence in certain circumstances with the licence-holder's consent.

You can access the updated guidance, which outlines the changes and transitional arrangements, [here](#).

For any queries, do reach out to pavementlicensing@levellingup.gov.uk.

We hope that these amendments are welcomed, and we look forward to continuing to work together to make this process as practical as possible.

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Mandatory Conditions

No-obstruction condition

Anything done by the licence-holder pursuant to the licence, or an activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6) of the Business and Planning Act 2020.

The effects referred to are:

- (a) preventing traffic, other than vehicular traffic, from—
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
- (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Smoke-free seating condition

Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

Local Conditions

The following conditions will be applied to every licence granted under the above Act:

1. These Local Conditions are considered to form part of the Pavement Licence upon grant: Pavement Licence means a licence issued under the provisions of the Business and Planning Act 2020.
2. The tables and chairs placed on the highway after the granting of a licence must be in accordance with the details and plans as set out in the Pavement Licence and shall remain in force only for such period of time as the Licensee remains occupier of the Premises or until revoked by the Council or surrendered to the Council by the Licensee.
3. The amenities must be removed from the public highway at the end of the permitted period each day and in all cases no later than **11pm**.
4. The tables and chairs shall be of such a design as may be approved by Huntingdonshire District Council as set out in the Pavement Licence Application and shall be kept in good repair and condition at the Licensee expense.
5. All tables and chairs authorised by the licence must be removed by midnight on the day the licence expires unless a renewal licence has been applied for and granted.
Renewals must be applied for at least 6 weeks prior to expiry to allow sufficient time for the application to be considered.
6. The Licensee shall maintain a public liability insurance policy up to the value of £5 million pounds against any liability, loss or damage, claim or proceeding whatsoever arising under Statute or Common law in respect of the placing and maintaining of the tables and chairs on the highway or their removal there from.
7. The Licensee shall be responsible for keeping the designated area in a clean and tidy condition at all times. Under your duty of care you must ensure that any waste produced is handled safely and in accordance with the law. You must keep all waste safe, prevent it from escaping from your control and ensure that it is only handled or dealt with by persons that are authorised to deal with it.
8. The Licence may be suspended where necessary to allow highway maintenance and any other necessary remedial work to be carried out at the location covered by the licence. A reasonable period of notice will be given to the licensee where possible. The Highway Authority will not be liable for any loss of earnings arising out of the suspension of a licence.
9. Should a gazebo or marquee be permitted by the Pavement Licence and used by the Licensee the following conditions apply:
 - i. Heavy ballast weights must be used at each leg to withstand uplift forces from wind. Calculations from the manufacturer, supplier or installers to show the weight requirements for each leg must be obtained and complied with.

ii. Anchorage should also prevent lateral movement of the structure. Ropes to anchorage points must not obstruct movement around or within the structure.

iii. The Licensee should be aware of the design wind load of the structure, and have a procedure for monitoring weather forecasts, and making safe by removal of covers any structure likely to be put at risk by high winds.

iv. The structure must be British fire-rated BS 5438 and/or BS 7837 (or any replacement standard) and marked accordingly, the Licensee must carry out a fire risk assessment of the structure.

v. Domestic garden gazebos and old style market gazebos cannot be accepted as they are not structurally safe for use in public areas.

vi. Gazebos/stall coverings/marquees must be kept visually appealing and compliment the character of the area.

10. The Licensee shall make no permanent or temporary fixtures to or excavations of any kind in the surface of the highway which shall be left undisturbed when the tables and chairs are not in use.

11. The Outside Area will be suitably managed by competent staff, i.e. to control the use of the Outside Area, to return trays, clear crockery and refuse and to maintain the area to as high a standard as is required inside the premises and to ensure that the conditions in this Licence are complied with at all times the Outside Area is in use.

12. In areas of significant footfall (to be determined by the Licensing Authority), when in use, the pavement café area will need to be enclosed, to demarcate the licensed area and contain the tables and chairs, thus making it distinguishable to other pavement users, and to assist blind and visually impaired pedestrians.

13. The placing of speakers or any other equipment for the amplification of music within the licensed area is strictly prohibited unless authorised by a premises licence issued under the Licensing Act 2003. Any such authorised music must not cause a nuisance or annoyance to others.

14. Any sales of alcohol within the licensed area must be authorised by a premises licence issued under the Licensing Act 2003.

15. Any material alteration to the Means of Escape, which affects people using the Means of Escape, inside or in the immediate vicinity outside the premises must be recorded in the premises' Fire Risk Assessment as a significant finding. Control measures should be put in place to reduce risk within the area as well as recording them. A review of the hazards and risks should be ongoing throughout the period the premises are in use.

15. This Licence covers the use of amenities by customers for consuming food or refreshment which have been purchased from the licenced establishment. This

Licence does not permit the use of the amenities for any other purposes at any time.

16. No additional charge shall be made to customers for the use of the tables and chairs within the licensed area.

17. The licensee may only use the land for the placing of tables and chairs in the course of his business only during the hours permitted by the licence and only within the defined area applied for.

18. No tables and chairs or barriers may be placed in the area until a licence has been granted.

19. No other items may be placed on the highway within the licensed area other than that approved in accordance with the application and the licence when granted.

20. This licence will not be renewed automatically. Compliance with the terms of conditions of any previous licence will be taken into account at any application for renewal. The Licensing Authority reserves the right to refuse renewal applications where appropriate.

21. The licensee is responsible for carrying out the reinstatement of the highway in the event of any damage to the highway occurring as a result of the activity (if requested to do so by the Highway Authority). The permanent surface reinstatement shall be carried out to the satisfaction of the Highway Authority.

22. The license is issued to the applicant only and is not transferable.

23. These conditions may be varied where appropriate to reflect any changes in local circumstances.

24. The footway must not be obstructed by patrons standing between tables, chairs and the kerb, or by the personal possessions of patrons.

25. Any fee is for the administration and grant of the licence. No refunds will be made in the event of a surrender of the licence before expiry. There is no automatic right to appeal against refusal of consent.

26. It is a condition of this Licence that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 4 of the Inclusive Mobility, Guide to Best Practice and Access to Pedestrian and Transport page 91 Infrastructure: [Inclusive mobility: making transport accessible for passengers and pedestrians - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The Licensee must comply with the Guidance of the Secretary of State with regard to the needs of disabled people and the recommended distances required for

access by disabled people, such guidance as may be issued: [Pavement licences: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/pavement-licences)

27. The Licensee shall indemnify Huntingdonshire District Council and Devon County Council against all actions proceedings claims demands and liabilities which may at any time be taken made or incurred in consequence of the use of the tables and chairs and other objects. For this purpose the licensees must take out and keep in place, at the licensees' expense, a policy of public liability insurance approved by the Council in the sum of at least £5 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy

Enforcement Measures

Periodic inspections of pavement cafés will be made by the Council to ensure compliance with the Pavement Café licence, guidance and relevant legislation.

Breach of Conditions

28. Where a breach of a license condition is noted, the operator of the pavement café will be served with both verbal and written notice of the offence(s) being committed. The operator will be given 7 days to comply.

29. Where the Licensing Authority serves a notice on the licensee requiring him/her to remedy any breach of the terms of this consent, and the licensee fails to comply with the notice, the Licensing Authority may itself take the steps required by the notice and recover from the licensee any expenses incurred.

30. A further inspection will be made of the pavement café 7 days after the notice is served. If remedial action has not been taken then a Notice of Contravention will be issued further outlining the nature of the offence(s) and informing the operator that they are to remedy the breach or remove the pavement café from the highway within a period of 7 days from the date the notice is served.

After the 5 working day notice has expired, a further inspection will be made and if it is found the breach has not been remedied then the pavement café furniture will be removed by the Council or an authorised person and the licence revoked.

31. If the pavement café continues to operate once the licence has been revoked then any objects/furniture occupying the highway will be removed from the area without further notice.

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Monitoring Report on the delivery of the Service Plans for Food Law Enforcement and Health and Safety Regulation

Meeting/Date: Licensing and Protection Committee – 15 May 2024

Executive Portfolio: Executive Councillor for Customer Services – Cllr S Ferguson

Report by: Kate Penn – Environmental Health Service Manager

Ward(s) affected: All

Executive Summary:

The Service Plans for Food Law Enforcement and Health and Safety Regulation 2023-24 were approved by committee on 28 June 2023.

The report provides information about the delivery of the two Service Plans for Quarter 4.

For both service areas programmed work such as food hygiene inspections 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 Service Plans for Food Law Enforcement and Health and Safety Regulation 2023-24.

Recommendation:

The Committee is asked to review progress and provide any comments considered appropriate on the delivery of the two Service Plans for Q4.

1. PURPOSE OF THE REPORT

- 1.1 The report provides information about the delivery of the Service Plans for Food Law Enforcement and Health and Safety Regulation for Quarter 4.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

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

3. SERVICE AREAS COVERED BY THE REPORT

- 3.1 The overall aim of the Service Plan for Food Law Enforcement is to ensure that food placed or intended to be placed on the market for human consumption which is produced, stored, distributed, handled or purchased within Huntingdonshire is without risk to public health or the safety of the consumer. This is fulfilling our statutory duty under the Food Safety Act 1990 and the Food Hygiene and Safety (England) Regulations 2013. There are several key objectives which contribute to the delivery of the overall aim.

- The delivery of a programme of inspections and other interventions in accordance with the FSA's Code of Practice
- To respond to complaints and requests for service in accordance with any internal service standards
- To respond to any FSA Food Alerts for Action (FAFA) subject to available resources

- 3.2 The overall aim of the Service Plan for Health and Safety Regulation is to work with businesses and employees to protect all people, including members of the public, from unsafe working conditions by fulfilling the council's statutory role as a 'Health and Safety Enforcing Authority'

4. KEY IMPACTS / RISKS

- 4.1 The main risk of not carrying out the work on these plans would be to the health, wellbeing and safety of those who live, work or visit the Huntingdonshire area. They could be exposed to unsafe food or unsafe working conditions.
- 4.2 The failure to monitor the delivery of the approved Service Plans could invite criticism from the Food Standards Agency (FSA) and the Health and Safety Executive (HSE) in their capacities as the national regulators.
- 4.3 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.

5. PROGRESS AGAINST APPROVED SERVICE PLANS

- 5.1 **Service Plan for Food Law Enforcement**

5.1.1 The main focus of this service plan is the planned routine inspections of food businesses. All food businesses are risk rated category A to E with A being the highest risk. The risk rating mechanism is provided in the Food Law Code of Practice (England) and considers the consumers at risk; the level of current compliance with statutory obligations and any relevant industry codes of recommended practice in relation to the hygiene and structure of the premises; and the confidence in management/control processes in place. For example, a care home or nursery may be Category A due to their consumers being in a vulnerable group. Most restaurants, pubs and catering businesses are Category C or D. Category E are the lowest risk premises and will include small retailers selling pre-packed food and home caterers making cakes only.

The table below shows the categorisation of food businesses in Huntingdonshire on 31 March 2023:

Category	Number of Premises
A	6
B	63
C	290
D	542
E	720
Unrated	53

There are 66 food business outside the rating programme

5.1.2 In Quarter 4 there were 264 food hygiene inspections carried out, this brings the total to 768 food hygiene inspections being undertaken during the year 2023-24. This exceeds the level of activity predicted.

5.1.3 In Quarter 4 there were 78 new food business registrations received, this is slightly less than previous quarters and shows the continuing flux of food businesses. A new business registration can occur when an existing business changes hands and a new food business operator takes over or an entirely new business starts up. The service is still finding that some businesses are registering a long time before they intend to open and this has been fed back to the Food Standards Agency.

5.1.4 Progress against the Alternative Enforcement Strategy remains at Red status, however, going into 2023-24 some temporary additional resource has been secured to go continue going through the list of Category E businesses and identify which need inspecting and then create an inspection record for the relevant officer.

5.1.5 In Quarter 4 there were 9 compliance checks undertaken, these are revisits to check compliance where the food hygiene inspection has uncovered issues that need attention. The level of predicted activity will be slightly exceeded for compliance checks, this is due to a number of the businesses that were inspected this year having not been inspected for up to 4 years and regrettably standards having dropped.

- 5.1.6 Appendix 1 also shows that requests for export certificates was lower than anticipated based on previous years data, this is something that as a service we cannot influence and is determined by what manufactures are exporting where. The predicted income has been adjusted accordingly.
- 5.1.7 Requests for rescoring continue to be higher than anticipated in Quarter 4, over the year 31 rescore requests were received when only 20 were predicted. This shows how businesses are keen to ensure they receive the highest possible rating of 5 by request a rescoring inspection and providing details of how they have addressed any matters outstanding at their programmed inspection.
- 5.1.8 Officers have continued to take part in UK Health Security Agency's sampling study, topics were 'Ready to Eat (RTE) Salad and salad components from Retail and Catering' and 'Cooked Ready to Eat (RTE) Sliced or Cut Meat from retail and catering premises'. Where samples were unsatisfactory notification was provided to the Food Standards Agency and additional visits have been undertaken to provide advice and guidance to businesses and further samples carried out to check for improvement to the required standard.
- 5.1.9 The level of activity with regard to infectious disease control has increased slightly due the UK Health Security Agency re starting notifications of certain confirmed food and waterborne gastrointestinal pathogens and requests for Environmental Health to contact the case to undertake a questionnaire relating to possible exposures.

5.2 Service Plan for Health and Safety Regulation

- 5.2.1 The majority of health and safety work in Quarter 4 was reactive, there were 16 accidents reported of which 5 investigations commenced. The selection of accidents for investigation is founded upon the risk-based criteria in Local Authority Circular (LAC) 22/13. There were 26 other service requests responded to and the majority of these were licensing consultations where a new premises, street trading or pavement licence had been applied for by a business in the district.
- 5.2.2 In Quarter 4 there were 11 skin piercing registrations issued for premises and practitioners within the district.

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

- 6.1 The work covered by the two Service Plans largely sits under Priority 3 - Delivering good quality, high value-for-money services with good control and compliance with statutory obligations.

7. RESOURCE IMPLICATIONS

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

8. LIST OF APPENDICES INCLUDED

Appendix 1 - Food Activity 2023-24

Appendix 2 - Health and Safety Activity 2023-24

CONTACT OFFICER

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Appendix 1 Food Activity 2023-2024

Activity	Predicted Activity 2023-24	Recorded Activity Q4 2023-24	Total Activity 2023-24	RAG Status
Programmed food hygiene inspections A breakdown will be reported for: 1) Programmed inspections 2) Initial inspection (new business or new FBO) 3) Aborted/no access or closed premises inspections (aim to minimise)	719	Total: 264 1) 172 2) 71 3) 21	Total: 768 1) 465 2) 219 3) 88	Green
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	300	0	157 contacted	Red
Revisits to check compliance following a food hygiene inspection	30	9	39	Green
Mentoring / business support visits (previously included in other proactive visits)	15	1	2	Green
Sampling visits (previously included in other proactive visits)	20	10	35	Green
Food, water and environmental samples taken	100	25	110	Green
Prosecutions and cautions	2	0	0	Green
Formal action (service of notices, closures)	10	0	0	Green
Complaints and service requests about food and about/from food businesses	350	53	265	Green
Requests for export certificates	120	14	70	Amber
FHRS re-score requests (low is good)	20	8	31	Amber
Infectious disease control - notifications of food-borne/food poisoning illnesses (low is good)	10	6	22	Green
FSA food alerts for action	10	5	14	Green

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Appendix 2 Health and Safety Activity 2023-24

Activity	Predicted activity 2023-24	Recorded Activity Q4 2023-24	Total Activity 2023-24
Premises inspections and interventions (including activities identified in Work Plan)	40	16	38
Health and safety complaints and requests for service (including advice to business/enquiries) *	100	Total: 26 15 licensing consultations 2 relating to work premises 6 skin piercing enquiries 0 lifting equipment notifications 3 other	Total: 140
Skin piercing registrations	50	11	41
Accident and dangerous occurrence reports received	70	16	49
Accident and dangerous occurrence investigations commenced **	30	5	19
Specific smoke free enforcement visits***	0	0	0
Matters of Evident Concern (MEC)****	35	22	64
Health and safety promotional activity	3	0	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. A breakdown of service request areas will be given.

**The selection of accidents for investigation is founded upon the risk-based criteria in Local Authority Circular (LAC) 22/13.

*** This figure is driven by the number of relevant complaints received by the service.

**** Matters of Evident Concern are significant health and safety problems that officers have noted during non-health and safety activities. (The fewer the better)

Public
Key Decision – No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Service Plan for Food Law Enforcement 2024-25

Meeting/Date: Licensing and Protection Committee – 15 May 2024

Executive Portfolio: Executive Councillor for Customer Services – Cllr S Ferguson

Report by: Kate Penn – Environmental Health Service Manager

Ward(s) affected: All

Executive Summary:

Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement functions within the district. The Food Standards Agency (FSA) is the Central Competent Authority and National Regulator for food safety and hygiene issues within England and it requires every local authority (food authority) to outline how it will fulfil its duty to deliver official food controls within the district. The arrangements detailing how and at what level the official controls will be delivered must be laid down in the form of a Service Plan for Food Law Enforcement ('Service Plan') and approved by the Council.

Guidance on the content of the Service Plan for Food Law Enforcement is contained within the FSA's 'Framework Agreement on Official Controls by Local Authorities', which was developed in consultation with local authorities, the LGA and other professional organisations and the FSA's Food Law Practice Guidance (England).

The purpose of the Service Plan is to explain how that enforcement function will be delivered. It also details the resources required to deliver it, together with a review of the previous year's performance.

The food safety and hygiene enforcement function is one of the services provided by specialist officers in the Environmental Health team within the Community service area.

Recommendation(s):

The Committee is asked to:

1. Comment on, and if in agreement approve the Service Plan for Food

Law Enforcement 2024-25 in accordance with the Council's Constitution.

- 2. Request Quarterly reports to monitor progress against the Service Plan.**

1. PURPOSE OF THE REPORT

- 1.1 The report formally presents the Service Plan for Food Law Enforcement 2024-25 (Appendix 1) to the Licensing and Protection Committee. It invites their comments and their approval of the Plan. This enables the Council to discharge its duty as an enforcing authority for food safety and hygiene.
- 1.2 The Council's Constitution allows the Licensing and Protection Committee to consider and approve Service Plans.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement within the district. The Food Standards Agency (FSA), as England's Central Competent Authority and National Regulator for food safety and hygiene requires every local authority to outline how it will fulfil its duty to deliver official food controls within the district. The FSA requires local authorities to lay down details of the arrangements in the form of a Service Plan, specifying how and at what level the official controls will be delivered. This requirement is formalised within the FSA's 'Framework Agreement on Official Controls by Local Authorities', which was developed in consultation with local authorities, the LGA and other professional organisations and the FSA's Food Law Practice Guidance (England).
- 2.2 The purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year's performance.
- 2.3 The food safety and hygiene enforcement function is one of the services provided by specialist officers in the Environmental Health team within the Community service area. The officers providing the service also deliver the statutory functions for health and safety and infectious disease control. The team aims to support business to comply with the legislation by using a range of enforcement tools including advice, training, promotional campaigns and social media.

3. ANALYSIS

- 3.1 The Service has considered the requirements of the FSA Framework Agreement and the Corporate Plan 2023-28 when developing the Service Plan.
- 3.2 The food safety service covers a wide range of regulatory duties including:
 - Programmed and intelligence led food hygiene interventions
 - Investigation of complaints relating to food hygiene, or food prepared and sold in the district
 - Infectious disease investigation
 - Responding to food alerts issued by the FSA
 - Responding to planning and licensing applications in relation to food premises

- Sampling
- Provision of advice and information to food businesses

3.3 On 1 April 2024 there were 1652 food businesses registered in Huntingdonshire. Food businesses are inspected according to their inspection rating category. The highest risk businesses (category A) are the subject of an inspection, partial inspection or audit at least every 6 months whereas the lowest risk businesses (category E) are monitored using alternative enforcement approaches. Unannounced inspections are carried out at businesses in categories A, B, C and D unless they are based in a domestic premises. There are 432 interventions due in Category A – D premises during 2024-25 and 90 interventions due in Category E premises during 2024-25. There are also 74 interventions overdue from 2023-24 (Category A - D and unrated premises) that will be undertaken in 2024-25.

3.4 Predicted levels of other work such as complaints and export certificates are included in the Appendix to the Service Plan.

3.5 Areas of improvement identified in the Service Plan are:

- The continued implementation of the new environmental health and licensing information management system to improve reporting, data accuracy and online services for customers.
- Continuing to update Standard Operating Procedures
- Movement to a digital inspection system, the app linked to the environmental health and licensing information management system continues to be under development and when possible will be trialled to seek further efficiencies.

4. KEY IMPACTS / RISKS

4.1 The failure to produce and have approved a Service Plan could invite criticism from the FSA in their capacity as national regulator.

5. TIMETABLE FOR IMPLEMENTATION

5.1 The Service Plan will be delivered during the 2023-24 financial year

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

6.1 The work covered by this service plan largely sits under Priority 3 - Delivering good quality, high value-for-money services with good control and compliance with statutory obligations.

7. CONSULTATION

7.1 No consultations required as part of this report.

8. LEGAL IMPLICATIONS

- 8.1 The FSA has a key role in overseeing official food controls undertaken by local authorities. Powers enabling the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999 and the Official Feed and Food Controls Regulations.
- 8.2 The Framework Agreement on Official Feed and Food Controls by Local Authorities issued by the FSA recognises that Service Plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 8.3 The authority has a duty to comply with the Framework Agreement. These duties include requirements for the planning, management and delivery of the local food law enforcement service.

9. OTHER IMPLICATIONS

- 9.1 The FSA expects local authorities to carry out official controls in an effective, risk based, proportionate and consistent way. The production and delivery of the Service Plan sets out how we meet those expectations

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 Huntingdonshire District Council is required to produce and approve a Food Law Enforcement Service Plan. This draft Plan gives the Committee an opportunity to comment on the priorities identified and shape delivery of the service to ensure that the Council can deliver its statutory function according to local circumstances and within approved resources.

11. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Food Safety Service Plan

CONTACT OFFICER

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SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2024-25

**Drawn up in accordance with the
Food Standards Agency Framework Agreement**

Draft for approval by Licensing & Protection Committee on

15 May 2024

1. Service Aims and Objectives

1.1. Aims and objectives

1.1.1. The overall aim of the service is to ensure that food placed or intended to be placed on the market for human consumption which is produced, stored, distributed, handled or purchased within Huntingdonshire is without risk to public health or the safety of the consumer. This is fulfilling our statutory duty under the Food Safety Act 1990 and the Food Hygiene and Safety (England) Regulations 2013. There are several key objectives which contribute to the delivery of the overall aim.

- The delivery of a programme of inspections and other interventions in accordance with the FSA's Code of Practice
- To respond to complaints and requests for service in accordance with any internal service standards
- To respond to any FSA Food Alerts for Action (FAFA) subject to available resources

1.2. Links to corporate objectives and plans

1.2.1. A new Corporate Plan was adopted in 2023 for the period 2023 – 2028. The three key priorities identified are:

Priority 1 – Improving quality of life for local people

Priority 2 – Creating a better Huntingdonshire for future generations

Priority 3 – Delivering good quality, high value-for-money services with good control and compliance with statutory obligations.

The work covered by this service plan largely sits under Priority 3, and consequently a measure of operational performance has been identified in the corporate plan as 'The number of programmed food safety inspections undertaken (cumulative year to date)'.

2. Background

2.1. Profile of the Competent Authority

2.1.1. Huntingdonshire is a large (900 square kilometres) and predominantly rural area forming the most westerly part of Cambridgeshire. Over 40% of the population live in our three largest market towns of St Neots, Huntingdon and St Ives. Village settlements provide the main population centres and facilities outside of the market towns. With an estimated 184,050 residents and 80,800 residential properties in mid-2022, the population has grown significantly over recent decades (up by 47% from 1981 to 2021) and is forecast to grow further.

2.1.2. Economic activity (64% of those aged 16+) and employment rates (61.6% of those aged 16+) are both higher than the national average. There are pockets

of higher deprivation within the district but most areas have relatively low levels, as measured by the 2019 Indices of Deprivation. (data from the Corporate Plan 2023 – 2028).

2.2. Organisational Structure

2.2.1. Huntingdonshire District Council operates an ‘Executive Leader and Cabinet’ model of decision-making. Under this model, the executive leader, appoints their own deputy executive leader and cabinet, which comprises seven other councillors.

2.2.2. The food safety service is one of the services provided by specialist officers within the Community service area. The Environmental Health Service Manager is responsible for the day to day operation of Environmental Health Service and they report to the Community Service Manager who in turn reports to the Chief Operating Officer. The Environmental Health Service Manager is supported by a Lead Food Officer acting as the technical expert on food safety related matters.

2.2.3. There are currently five officers (4.5 FTE) with a specific responsibility for the delivery of the food safety service of which approximately 85% of the officer’s available time is dedicated to food safety making a resource of 3.6 FTE. The remaining 15% of officer time is allocated to Health and Safety work. The current officers are a combination of Environmental Health Officers and Environmental Health Protection Officers. There is currently a 0.54 FTE vacancy within the team, however, the intended recruitment in 2023/24 was unsuccessful. This is linked to the national shortage of suitably qualified officers.

2.2.4. Each officer has been allocated a specific geographical area which contains a diverse range of food businesses. The number and type of businesses is consistent with the officer’s knowledge and experience. There is a “buddy” system in place to ensure that at least two officers have some knowledge of specialist or unusual businesses.

2.2.5. The service uses several agencies and companies to support the delivery of official food controls. These are summarised in the table below.

Table 1: Provision of External Services

Name of Organisation	Type of Service	Frequency of Service
UK Health Security Agency and East of England Health Protection Team, Thetford and Colindale	Microbiological food and water sampling and advice on infection and disease control	Monthly, as required

Anglian Huntingdon	Water,	Chemical and microbiological sampling	and water	As and when required
Campden BRI		Food and foreign body/contaminant examinations and identifications		As and when required via annual subscription
Chartered Institute of Environmental Health (CIEH)		Information and advice. Materials for food hygiene courses		As and when required
Food Standards Agency (FSA)		Monitoring of performance, information, food alerts	advice,	As and when required

2.3. Scope of the food service

2.3.1. The food safety service covers a wide range of regulatory duties including:

- Programmed and intelligence led food hygiene interventions
- Investigation of complaints relating to food hygiene, or food prepared and sold in the district
- Infectious disease investigation
- Responding to food alerts issued by the FSA
- Responding to planning and licensing applications in relation to food premises
- Sampling
- Provision of advice and information to food businesses

2.3.2. The service is provided by officers employed directly by the council. Approximately 85% of the officer's available time is dedicated to food safety with the remaining 15% being allocated to health and safety work and private water supplies.

2.3.3. The wider environmental health service deals with nuisances, environmental protection, contaminated land, private sector housing and officers from these service areas could be drawn on to support the food service during an incident.

2.4. Demands on the food service

2.4.1. On 1 April 2024 there were 1652 food businesses registered in Huntingdonshire. This is a decrease of 88 food businesses since 2023-24. There are a variety of businesses within Huntingdonshire and this number includes 21 primary producers (e.g. farms), 52 manufacturers and packers, 3 importers and 42 distributor/transporters with the remaining business comprising retail and catering establishments including restaurants, take-

aways, schools, pubs, caring premisses, mobile food units and hotels/guest houses.

2.4.2. Food businesses are inspected according to their inspection rating category. The highest risk businesses (category A) are the subject of an inspection, partial inspection or audit at least every 6 months whereas the lowest risk businesses (category E) are monitored using alternative enforcement approaches. New businesses are classified as “Unrated”. The breakdown of premises by inspection rating category was:

Table 2: Breakdown of food premises by inspection rating category

	A	B	C	D	E	Unrated
As at 31/03/2023	6	63	290	542	720	53
As at 31/03/2024	3	79	340	460	645	58

There are 67 food business outside the rating programme

2.4.3. Food hygiene regulations require certain premises which handle food products of animal origin to be approved by virtue of their nature, scale or complexity. Within Huntingdonshire there are eight approved premises.

2.4.4. There are a number of manufacturing businesses which regularly supply food to non-EU countries and which require an Export Certificate for each consignment, the certificates certify the premises meets legislative requirements. These arrangements support the businesses in question and have generated income of £7,815 in 2023-24 which is slightly less than was anticipated for the year, in 2022-23 the income was £11,040.

2.4.5. There are also businesses that use complex equipment such as vacuum packing machines and businesses carrying out complex processes such as sous-vide, cook-freeze and the curing of meat products. Suitably qualified and trained officers carry out interventions in businesses associated with specialist and complex processes and equipment.

2.4.6. The Environmental Health team is based on the first floor of Pathfinder House, St Mary’s Street, Huntingdon although officers largely adopt a hybrid approach basing themselves between the office, home and food premises. Customers can contact officers in the following ways:

- In person or by telephone between 08:45 and 17:00hrs Monday to Thursday, 08:45 and 16:30hrs Friday (01480 388302)
- By fax on 01480 388361
- By email: EnvHealth@huntingdonshire.gov.uk or food@huntingdonshire.gov.uk
- Advice and information about good practice and the service is available on the Council’s website.

Officers are not on standby outside office hours but arrangements are in place with the FSA, Cambridgeshire Constabulary and UKHSA who all have an out of hours number to contact a duty director and officers can be asked to respond to major incidents and emergencies during evenings and weekends.

2.4.7. The following factors can have an impact on the delivery of the Service Plan:

- An outbreak of food poisoning or a work-related death as the same officers covering food safety also cover health and safety in the workplace.
- Major outdoor events during the course of a year which involve food safety, water and health and safety considerations. Officers participate in the Safety Advisory Group.
- Officers may have to respond to FSA Food Alerts for Action. Some can be very time-consuming, particularly if they require action to be taken to identify and if necessary remove suspect or unsafe food from the food chain
- The implementation of changes to existing legislation, Codes of Practice, Government guidance and monitoring arrangements have resource implications for the service.
- The continued implementation of the environmental health information management system used for holding records of food businesses and recording and planning inspections

2.5. Regulation policy

2.5.1. In February 2018 Huntingdonshire District Council adopted a Corporate Enforcement Policy. This sets out its approach to proportionate, transparent, fair and effective regulation and enforcement, following the principles set down in the Regulators Code. This overarching framework is intended to provide customers with a clear understanding of the Council's approach to regulatory and enforcement activity.

2.5.2. In order to promote consistent and proportionate enforcement the service is an active member of Cambridgeshire and Peterborough Food and Safety Group. Senior officers represent the council at these meetings which seek to share best practice and liaise with wider partners. Task and finish groups are periodically set up to develop consistency exercises, training programmes or peer review models.

3. Service Delivery

3.1. Interventions at food establishments

3.1.1. These consist of the "official food controls" specified in the Food Law Code of Practice together with any other activities where the purpose is to monitor compliance with food hygiene law.

- 3.1.2. The food hygiene intervention rating is used to determine the type of intervention that is suitable for that particular operation. Unannounced inspections are carried out at businesses in categories A, B, C and D unless they are based in a domestic premises. Category A and B interventions may comprise an inspection, partial inspection or audit at appropriate intervals. Category C premises will be assessed using either a full/partial inspection or audit, until they are deemed broadly compliant, once this is achieved planned interventions may alternate between the above and another type of official control. Category D premises will be subject to alternate official control and non-official controls unless they are also rated 30 or 40 for “type of food and method of handling” when they are restricted to a full/partial inspection or audit. Other official controls comprise food sampling, surveillance, verification visits and audits.
- 3.1.3. The frequency at which businesses must be inspected is outlined in Annex 1 of the Food Law Code of Practice June 2023. Information gathered at inspection is also used to determine the Food Hygiene Rating Scheme (FHRS) score. The FHRS is operated in accordance with the ‘Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation - the Brand Standard’, June 2023. Businesses can appeal against their rating and can also request a rescoring visit (subject to the payment of a fee) after the inspection upon which their rating was based. During 2023-24 there have been 31 re-score requests, compared to 18 re-score requests in 2022-23.
- 3.1.4. There are 432 interventions due in Category A – D premises during 2024-25 and 90 interventions due in Category E premises during 2024-25. There are also 74 interventions overdue from 2023-24 (Category A - D and unrated premises) that will be undertaken in 2024-25.
- 3.1.5. The Code of Practice allows local authorities to use Alternative Enforcement Strategies (AES) for Category E businesses. The AES approach typically involves the completion of a self-assessment questionnaire by the business. There are currently approximately 425 Category E businesses overdue – work started in 2023-24 to review whether Category E premises were still operating and if there were to arrange an intervention and if not to close the premises record on tascomi. This work will be continued in 2024-25 and use a combination of AES interventions and inspections.
- 3.1.6. All officers who carry out official food controls are authorised in accordance with the Code of Practice. Weekly team meetings are held where any complex matters or specialised processes can be discussed, and knowledge shared.
- 3.1.7. Officers will also carry out spot checks at businesses if they have concerns or intelligence about the business or about a specific activity within a business. The outcome of a spot check may affect future planned inspections of the business.

3.2. Food complaints

3.2.1. These generally fall into one of the following categories:

- Complaints about the food premises themselves (e.g. poor staff hygiene, allegations of pests, poor standards of cleanliness)
- Complaints about the condition or contamination of food (extraneous matter, mould, dirty containers)
- Complaints about food labelling and food information ('use by' dates and allergen information).

3.2.2. Complaints are allocated to officers on an area basis and are prioritised on a risk basis. This approach may mean it is appropriate for the complaint to be dealt with at the next routine intervention or an intelligence led intervention may be required.

3.2.3. In 2023-24 there were 265 food related service requests, these include complaints about food and food premises and also requests for advice from food businesses. It is estimated a similar number of requests will be received in 2024-35 and progress against this will be reported quarterly to the Licensing and Protection Committee.

3.3. Home Authority and Primary Authority

3.3.1. The council does not have any home authority or primary authority arrangements in place. If resourcing allows in future, and it is in line with corporate priorities to support local businesses in this way, opportunities to undertake a primary authority arrangement would be explored.

3.4. Advice to business

3.4.1. Officers provide information and advice to businesses to help them comply with the law and to encourage the use of best practice. This is part of our enforcement policy and is achieved through a range of activities including:

- Advice to new businesses
- Advice during the course of inspections and other visits
- Site visits on request - where appropriate and resources allow
- Proactively contacting businesses to comment on plans at the planning application stage
- Proactively contacting businesses to comment on applications for premises and temporary licences
- Participating in Safety Advisory Group
- Maintenance and development of the website with links to the FSA's website.
- Key information issued via Council website and social media by the Communications Team
- Provision of food hygiene training

3.4.2. These activities are integrated into the service's general interventions and food safety promotion functions. There were 161 requests for advice in 2023-24 from

existing food businesses or new food businesses and it is anticipated there will be a similar number in 2024-25.

3.5. Food sampling

3.5.1. Sampling is a recognised official food control. In 2024-25 the commitment to sampling will continue following the UKHSA on targeted studies. UKHSA does not currently charge for the analysis of samples.

3.5.2. Sampling is undertaken by all officers working in the service.

3.5.3. All sampling will be carried out in accordance with relevant legislation, the Code of Practice issued under the Food Safety Act 1990, guidance on the sampling intervention designed by UKHSA and the departmental Standard Operating Procedure (SOP).

3.6. Food safety incidents

3.6.1. FSA food alerts for action will be dealt with in accordance with:

- the departmental SOP
- the Food Law Code of Practice issued under the Food Safety Act 1990 and
- any instructions issued by the FSA.

3.6.2. Most food alerts are Product Withdrawal Information Notices or Product Recall Information Notices which require little or no action. There are a significant number of allergy alerts but these too require little or no action or are dealt with by Trading Standards Officers (TSOs). Occasionally TSOs may ask for our support. Food Alerts for Action (FAFA) and ad hoc requests for action may have an impact upon programmed work but the numbers are relatively low.

3.6.3. Given the nature of food alerts, it is impossible to predict the likely demands and requisite resources with any accuracy. If a food alert is associated with a business based within Huntingdonshire then officers will be expected to devote more time to that alert than to one which originates elsewhere.

3.7. Liaison with other organisations

3.7.1. The Council recognises the importance of ensuring its enforcement approaches are consistent with those of neighbouring local authorities. Officers have access to the LGA Knowledge Hub and there is dialogue and liaison in a number of settings:

- Cambridgeshire and Peterborough Food and Safety Group (CPFSG)
- Cambridge Water Company Liaison meetings
- Anglian Water Liaison meetings
- Tascomi User Group
- FSA regional events
- UKHSA/Environmental Health liaison days

- CIEH update events

3.7.2 The CPFSG promotes consistency between officers and authorities and where possible produces common policies and procedures. Where appropriate, subgroups can be convened to deal with a specific issue. The membership includes Lead Food Officers from Cambridgeshire and Peterborough as well as representatives from UKHSA, the FSA and Trading Standards.

3.7.3 There is routine liaison and contact with officers from Development Control, Planning Enforcement, Building Control, Business Rates, Fraud, Licensing and Legal as well as liaison and consultation with the Town Centre Managers where appropriate.

3.8. Food safety promotional work

3.8.1. The main priority for the year will be the inspection programme.

3.8.2. There are four key drivers which contribute to the service and work priorities. In broad terms they are as follows:

- **Intervention driven:** work which is largely determined by the FSA Food Law Code of Practice. In the main this consists of programmed inspections and interventions at frequencies prescribed by the Code of Practice together with revisits and enforcement action in accordance with the Enforcement Policy
- **Demand driven:** work in response to complaints and requests for advice and guidance; investigation of food poisoning notifications; responses to FSA Food Alerts (in particular those which require action); and liaison with other Council services in support of wider corporate objectives
- **Intelligence driven:** responses to credible or verifiable information which suggests a risk to public health
- **Education driven:** the provision of advice, education and support to businesses and consumers; supporting national campaigns and strategies which are in the interests of public health and/or consumer safety (e.g. food hygiene related campaigns by the FSA).

3.9. Control and investigation of outbreaks and food related infectious disease

3.9.1. The Council has appointed the Consultant in Communicable Disease Control (CCDC) from UKHSA as the 'Proper Officer' under the Public Health (Control of Disease) Act 1984.

3.9.2. Officers will investigate food-related infectious disease notifications in accordance with protocols agreed with the Consultant in Communicable Disease Control (CCDC), Anglian Water and Cambridge Water Company. The general aims of any investigation are to identify the source and cause of the infection and prevent further spread.

4. Resources

4.1. Financial allocation

4.2.

4.2.1. The budget for 2024-25 is shown in the Table below

Table	2024-25
Direct Costs	£
Employees	
Salary (NI, Pension, training)	231,500
Transport, mileage	4,000
	235,500
Other	
Equipment, furniture and materials	950
Laundry	380
Printing and postage	1,200
Training expenses	1,000
Subscriptions	2,000
	5,530
Total	241,030
Income	
Anticipated costs recovered (Export-13,500 Certificates, delivery of training courses and fees for FHRS re- score visits)	
Total Expenditure	227,530

4.2.2. The estimated income of £13,500 comprises fees for export certificates, delivery of training courses and FHRS re-score visits. It has been reduced slightly due to the reduction in export certificates issued last year.

4.2.3. In the event of a serious or major incident or a large outbreak of food poisoning or food-borne illness requiring additional resources, officers undertaking food safety and health and safety work as part of their usual work will assist in the first instance and if necessary officers can be drafted in from the wider Environmental Health team to support the response.

4.2.4. There are no financial restrictions placed upon legal action, each case being

considered on its merits. In the event of enforcement action that would place unforeseen demands on resources, local authorities can apply for financial support from the FSA but this fund is discretionary and may be withdrawn at any time.

4.3. Staffing allocation

4.3.1. Food law enforcement and compliance advice activities are provided by specialist officers from the Environmental Health Team. The team is led by the Environmental Health Service Manager and contains another five authorised officers, all of whom are fully authorised. The Environmental Health Team is supported by three Business Support Assistants (2 FTE).

4.4. Staff development plan

4.4.1. Staff must be appropriately trained and are required to undertake 20 hours of continuing professional development every year to maintain their competency. Currently all members of the team are subscribed to the ABC on-line training service which delivers accessible modular packages in specific areas of food law. This is also supplemented by training organised by authorities within the Cambridgeshire and Peterborough Food and Safety Group, UKHSA, FSA and the CIEH.

5. Quality Assessment

5.1. Quality assessment and internal monitoring

5.1.1 The Environmental Health Service Manager is responsible for the overall monitoring of the service and works closely with the Lead Food Officer. In general terms the service is monitored internally in accordance with Standard Operating Procedure (SOP) CT04. The practical arrangements include the following

- Review of premises inspection records
- Observed and accompanied inspections
- Periodic reviews of policies and procedures
- Weekly team meetings
- Programmed work is monitored against targets
- Reactive work is monitored with reference to response time and closure of service requests
- One-to-ones between the Environmental Health Service Manager and Officers
- Peer review and consistency exercises led by the CPFSG
- Peer review and consistency exercises led by the FSA

5.1.1. There are several SOPs which cover the different aspects of the service. They are subject to on-going review to reflect changes in the code of practice, practice guidance and FHRS Brand Standard.

5.1.2. Monthly data on the number of food hygiene inspections undertaken is reported monthly to the Operations Board as it is identified as a performance indicator in the Corporate Plan.

5.1.3. Quarterly monitoring reports will be prepared for Licensing and Protection Committee. The activities reported on are presented in Appendix 1. A breakdown will be provided of programmed inspections and additional indicators have been added for the number of requests for export certificates.

6. Review

6.1. Review against the service plan

6.1.1. Progress against the service plan was good and the predicted level of activity was exceeded with regard to food hygiene inspections.

6.1.2. The food hygiene inspection programme for Category A-D premises is largely back on track following the suspension during the global pandemic. There are only a small number of premises that remain overdue an inspection and these will be completed by the end of May 2024.

6.1.3. Work has begun reviewing the Category E premises and getting them back into the inspection programme and further resource has been secured to continue this in 2024-25.

6.1.4. There were 265 complaints and service requests about food and about/from food businesses, this was lower than anticipated and the predicted activity for 2024-25 has been reduced accordingly.

6.1.5. Work is continuing to implement the new environmental health and licensing information management system that went live in April 2021 and enhancements requests have been made to the supplier to assist with data reporting.

6.2. Identification of any variation from the service plan

6.2.1. There are no significant areas of variation to be reported.

6.3. Areas of improvement

6.3.1. The areas of improvement that have been identified are:

- The continued implementation of the new environmental health and licensing information management system to improve reporting, data accuracy and online services for customers.
- Continuing to update Standard Operating Procedures
- Movement to a digital inspection system, the app linked to the environmental health and licensing information management system

continues to be under development and when possible will be trialled to seek further efficiencies.

DRAFT

Appendix 1: Food Safety Service Plan: Programmed and predicted activity 2023-2024

Activity	Predicted activity 2024-25	Total activity 2023-24
Programmed food hygiene inspections A breakdown will be reported for: 1) Programmed inspections 2) Initial inspection (new business or new FBO) 3) Aborted/no access or closed premises inspections (aim to minimise)	606	768
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	150	157 contacted
Revisits to check compliance following a food hygiene inspection	30	39
Mentoring / business support visits (previously included in other proactive visits)	15	2
Sampling visits (previously included in other proactive visits)	20	35
Food, water and environmental samples taken	100	110
Prosecutions and cautions	2	0
Formal action (service of notices, closures)	10	0
Complaints and service requests about food and about/from food businesses	300	265
Requests for export certificates	90	70
FHRS re-score requests (low is good)	20	31
Infectious disease control - notifications of food-borne/food poisoning illnesses (low is good)	30	22
FSA food alerts for action	10	14

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Public
Key Decision – No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Service Plan for Health and Safety Regulation

Meeting/Date: Licensing and Protection Committee – 15 May 2024

Executive Portfolio: Executive Councillor for Customer Services – Cllr S Ferguson

Report by: Kate Penn – Environmental Health Service Manager

Ward(s) affected: All

Executive Summary:

Huntingdonshire District Council is a Health and Safety Enforcing Authority. The Health and Safety Executive (HSE) is the National Regulator for Health and Safety and 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”. This requirement is supported by the National Local Authority Enforcement Code and Local Authority Circular (LAC) 67/2 (Revision 13).

Recommendation(s):

The Committee is requested to:

- 1. Comment on, and if in agreement approve the Service Plan for Health and Safety Regulation 2024-25 (Appendix 1) in accordance with the Council’s Constitution.**
- 2. Request quarterly reporting figures on progress against the annual Service Plan for Health and Safety Regulation 2024-25**

1. PURPOSE OF THE REPORT

- 1.1 The report formally presents the Service Plan for Health and Safety Enforcement 2024-25 to the Licensing and Protection Committee. It invites their comments and their approval of the Plan. This enables the Council to discharge its duty as an enforcing authority for Health and Safety regulation.
- 1.2 The health and safety enforcement function is one of the services provided by specialist officers in the Environmental Health team within the Community service area. The officers providing the service also deliver the statutory functions for food safety and hygiene and infectious disease control. The team aims to support business to comply with the legislation by using a range of enforcement tools including advice, training, promotional campaigns and social media.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 Huntingdonshire District Council is a Health and Safety Enforcing Authority. The Health and Safety Executive (HSE) is the National Regulator for Health and Safety and 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”. This requirement is supported by the National Local Authority Enforcement Code and Local Authority Circular (LAC) 67/2 (Revision 13).

3. ANALYSIS

- 3.1 The Service Plan priorities are guided by the content of Local Authority Circular 67/2 (rev 13), the National Local Authority Enforcement Code and the Corporate Plan 2023-28. Whilst the primary responsibility for managing health and safety risks lies with the business that creates the risk, regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting communities and contributing to the wider public health agenda.
- 3.2 Key priorities for the coming year include
- Securing compliance with health and safety law, having regard to relevant legislation, Approved Codes of Practice and Guidance
 - Investigating complaints and taking appropriate action as necessary, having regard to relevant legislation, approved codes of practice and guidance
 - Responding to requests for advice from duty holders / businesses
 - Investigating reported accidents, dangerous occurrences and notifiable diseases, in line with the HSE’s incident selection criteria guidance (LAC 22/13) and taking appropriate enforcement action as necessary.
 - Delivering a programme of targeted and proportionate regulatory interventions, in accordance with the HSE’s LAC 67/ 2 (rev 13) and statutory guidance. The project areas will be, inflatable amusement devices, electrical safety in hospitality settings, cooling towers

located in built up areas and safety in Marina settings (this is based on local intelligence) focussing on electrical safety and fatalities/injuries from slip, trips and falls.

4. KEY IMPACTS / RISKS

- 4.1 The failure to monitor the delivery of the approved Service Plans could invite criticism from the HSE in their capacity as the National Regulator for Health and Safety. This in turn could result in contact from the HSE's Local Authority Unit. The plan must be resourced and should only target proactive inspections or interventions, identified for specific Local Authority projects, as outlined in Annex A of LAC 67/2 (Revision 13); and at those premises identified within the highest priority sectors, known as the list (Annex B LAC 67/2 (Revision 13)).

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 The Service Plan will be delivered during the 2023-2024 financial year.

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

- 6.1 The work covered by this service plan largely sits under Priority 3 - Delivering good quality, high value-for-money services with good control and compliance with statutory obligations.

7. CONSULTATION

- 7.1 No consultations required as part of this report.

8. LEGAL IMPLICATIONS

- 8.1 The HSE has a key role as the National Regulator in overseeing Health and Safety regulation undertaken by Local Authorities
- 8.2 The HSE's National Local Enforcement Code recognises that Service Plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 8.3 This Service Plan replaces the Health and Safety Service Plan for 2024-25 and identifies the priorities for Huntingdonshire District Council in delivering this statutory function. Service Plans must include a review of performance in order to consider any variances from meeting the requirements of the service plan and to identify areas for improvement.

9. OTHER IMPLICATIONS

- 9.1 The HSE, as the National Regulator, expects Local Authorities to carry out regulatory activity in an effective, risk based, proportionate and consistent way. The production, publication and delivery of the Service Plan will set out how we meet those expectations.
- 9.2

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 Huntingdonshire District Council is required to produce and approve a Health and Safety Service Plan. This Provisional Plan gives the Committee an opportunity to comment on the priorities identified and shape delivery of the service within approved resources

11. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Service Plan for Health and Safety Regulation 2024-25

CONTACT OFFICER

Name/Job Title: Kate Penn – Environmental Health Service Manager
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SERVICE PLAN FOR HEALTH AND SAFETY REGULATION

2024-25

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev 13)**

Draft for approval by Licensing & Protection Committee on

15 May 2024

1. Service Aims and Objectives

- 1.1. The overall aim of the service is to work with businesses and employees to protect all people, including members of the public, from unsafe working conditions by fulfilling the council's statutory role as a 'Health and Safety Enforcing Authority'.
- 1.2. Section 18(4) of the Health and Safety at Work Act etc. 1974 places a statutory duty on Local Authorities to make 'adequate arrangements for the enforcement' of health and safety and the National Local Authority Enforcement Code sets out what is meant by 'adequate arrangements for enforcement'.
- 1.3. Health and safety regulation is an important mechanism for reducing accidents and ill health in the workplace as well as contributing to economic growth and a safe working environment. The aim is to ensure that everyone can enjoy a working environment that is safe and without undue or unreasonable risk to health.
- 1.4. The service seeks to meet this aim through a number of key objectives which include:
 - Securing compliance with health and safety law, having regard to relevant legislation, Approved Codes of Practice and Guidance
 - Investigating complaints and taking appropriate action as necessary, having regard to relevant legislation, approved codes of practice and guidance
 - Responding to requests for advice from duty holders / businesses
 - Investigating reported accidents, dangerous occurrences and notifiable diseases, in line with the HSE's incident selection criteria guidance (LAC 22/13) and taking appropriate enforcement action as necessary.
 - Maintaining a register of relevant evaporative condensers and water cooling towers, as required by The Notification of Cooling Towers and Evaporative Condensers Regulations 1992.
 - Responding to statutory notifications concerning the removal of Asbestos or Asbestos-containing materials (ACM) (The Control of Asbestos Regulations 2012).
 - Responding to statutory notifications of 'A' defects ("defects which could cause a danger to persons") of lifting equipment, during thorough examinations. (The Lifting Operations and Lifting Equipment Regulations 1998).
 - Delivering a programme of targeted and proportionate regulatory interventions, in accordance with the HSE's LAC 67/ 2 (rev 13) and statutory guidance.
- 1.5. The plans and initiatives to which the service must have regard include:
 - The Council's Corporate Plan 2023-2028

- The Council's Service Plan for Community to which this Service Plan is appended
- The HSE's new strategy 2022-2032: "Protecting People and Places".
- The HSE's National Local Authority Enforcement Code
- Local Authority Circular (LAC) 67/2 (Revision 13)
- The Regulators' Code

2. Background

2.1. Authority Profile

2.1.1. Huntingdonshire is a large (900 square kilometres) and predominantly rural area forming the most westerly part of Cambridgeshire. Over 40% of the population live in our three largest market towns of St Neots, Huntingdon and St Ives. Village settlements provide the main population centres and facilities outside of the market towns. With an estimated 184,050 residents and 80,800 residential properties in mid-2022, the population has grown significantly over recent decades (up by 47% from 1981 to 2021) and is forecast to grow further.

2.1.2. Economic activity (64% of those aged 16+) and employment rates (61.6% of those aged 16+) are both higher than the national average. There are pockets of higher deprivation within the district but most areas have relatively low levels, as measured by the 2019 Indices of Deprivation. (data from the Corporate Plan 2023 – 2028).

2.2. Organisational Structure and Resourcing

2.2.1. Huntingdonshire District Council operates an 'Executive Leader and Cabinet' model of decision-making. Under this model, the executive leader, appoints their own deputy executive leader and cabinet, which comprises seven other councillors.

2.2.2. The health and safety service is one of the services provided by specialist officers within the Community service area. The Environmental Health Service Manager is responsible for the day to day operation of Environmental Health Service and they report to the Community Service Manager who in turn reports to the Chief Operating Officer.

2.2.3. There are currently five officers (4.5 FTE) with a specific responsibility for the delivery of the health and safety service of which approximately 15% of the officer's available time is dedicated to health and safety making a resource of approximately 0.9 FTE. There is currently a 0.54 FTE vacancy within the team, however, the intended recruitment in 2023/24 was unsuccessful. This is linked to the national shortage of suitably qualified officers.

2.2.4. Officers who are routinely involved in health and safety enforcement are appropriately qualified and training is provided for them in order maintain their level of professional competency. During 2023-2024 they will continue to have access to any training which is necessary to maintain their professional competency and level of authorisation.

2.2.5. The budget for 2024-25 is shown in the Table below:

Direct Costs	2024-25 (£)
Employees (salaries, NI, pensions)	40,900
Other (Legal fees, PPE, equipment etc.)	1400
Transport	700

3. Service Delivery

3.1. Remit of Huntingdonshire District Council

3.1.1. Huntingdonshire District Council are responsible for enforcing health and safety at certain workplaces including: offices (except government offices), shops, hotels, restaurants, leisure premises, nurseries and playgroups, pubs and clubs, museums (privately owned), places of worship, sheltered accommodation and care homes. Full listings are given in the Health and Safety (Enforcing Authority) Regulations 1998 and the accompanying A-Z guide to allocation published by HSE.

3.1.2. There is no longer a statutory requirement for businesses to notify authorities when starting to operate, it is estimated there are approximately 2,500 business premises in the district that HDC regulates for health and safety. Historic records are held on the Environmental Health and Licensing information management system (tascomi) but as there is no requirement for businesses to notify the council of their operations the data can only be used as a guide.

3.2. Health and Safety Interventions

3.2.1. The service will deliver a mixture of proactive and reactive interventions which will be consistent with HSE's LAC 67/2 (rev 13) and any statutory guidance. LAC 67/2 (rev 13) advises that local authorities should focus on improved outcomes e.g. better risk management, reduced injuries to employees or members of the public. There is flexibility for local priorities to be addressed alongside national priorities set by HSE and local authorities have the discretion as to whether or not proactive inspection is the most appropriate intervention using their local knowledge/intelligence of the dutyholder.

3.2.2. National Local Authority Enforcement Code (supported by LAC 67/2) states that targeted planned interventions should only be used for:

- Specific projects/programmes of interventions identified by HSE for LA attention, either contained within Annex A of the HSE's LAC 67/2 (Rev 13) or by direct communication to LAs for urgent attention as a result of new intelligence arising from an incident/ investigation.
- High risk activities listed in Annex B of the HSE's LAC 67/2 (Rev 13), see 3.2.4
- Where specific local intelligence indicates that a business is failing to effectively manage their health and safety risks.

3.2.3. The national planning priorities listed in LAC 67.2 (Rev 13) are:

Health topics

- Asbestos – duty to manage asbestos
- Respirable silica dust
- Legionella: spa pools and hot tubs in the holiday sector and spa pools and hot tubs on display
- Cooling towers located in built up areas
- Work Related Stress (WRS)
- Visitor attractions prevention/control of ill health arising from animal contact

Safety topics

- Planned preventative maintenance
- Inflatable amusement devices
- Trampoline parks - improved information provision and supervision of users
- Gas safety in commercial catering premises
- Electrical safety in hospitality settings
- Safety in the Motorsport and Motor Leisure Industries
- Provision of licensable adventure activities without an Adventurous Activities Licensing Authority licence
- Raising the awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins

3.2.4. The list of higher risk activities/sectors and hazards suitable for targeting for proactive inspection is:

Health topics

- Indoor firing ranges/gun clubs – lead poisoning
- Open Farms/Animal Visitor Attractions - E.coli/Cryptosporidium infection especially in children
- Industrial retail/wholesale premises – occupational deafness, industrial disease/occupational lung disease
- In-store bakeries and retail craft bakeries – occupational lung disease
- Residential care homes – musculoskeletal disorders (MSDs)
- High volume warehousing/distribution – manual handling
- Commercial catering premises using solid fuel cooking equipment – carbon monoxide poisoning

Safety topics

- Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework- explosion caused by leaking LPG.
- Catering establishments – explosion caused by LPG
- Premises with vulnerable working conditions and where intelligence indicates that risks are not being effectively managed – violence at work
- Professional firework display operators – fires and explosions causing by the initiation of explosives, including fireworks
- High volume warehousing/distribution – fatalities/injuries resulting from being struck by vehicles, fatalities/injuries from falls from height/amputation and crushing injuries
- Large scale public gatherings – crowd management and injuries/fatalities to the public

3.2.5. In 2024-25 our resources for proactive interventions will be targeted towards the following priority areas:

- Inflatable amusement devices
- Electrical safety in hospitality settings
- Cooling towers located in built up areas
- Safety in Marina settings (this is based on local intelligence) focussing on electrical safety and fatalities/injuries from slip, trips and falls.

3.3. Types of interventions

3.3.1. As well as proactive interventions there are a range of intervention types which can be used as an alternative to unannounced proactive inspections. These include the following:

- Visits by appointment.
- The provision of advice and information.
- Sector-specific initiatives which target local problems.
- Responding to “local intelligence” which gives cause for concern.
- Dealing with serious matters as they are observed or brought to an inspector’s attention during advisory or other interventions.
- These include Matters of Evident Concern (MECs) – issues that create a risk of serious personal injury or ill-health; and Matters of Potential Major Concern (MPMCs) – those with a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health.

3.4. New business enquiries and advice to businesses

3.4.1. Health and safety legislation does not require new businesses to notify the Council when they start their operation. The service maintains a commitment to the provision of advice to new businesses where the council is the enforcing authority. Where possible, the first contact with a new business will focus on the provision of compliance advice. The Council supports the philosophy that effective regulation involves working with businesses. Officers will work with businesses to help them to comply with the law and to encourage the use of best practice.

- 3.4.2. Targeted advice, visits and support to local businesses can aid local business growth particularly with new business start-ups. It is recognised that by supporting business to manage their risks effectively and proportionately, communities will be better protected, and the wider public health agenda will benefit.
- 3.4.3. All planning applications are circulated to officers for review, and advice is provided to the applicant where necessary.
- 3.4.4. Referrals are made from the Council's Economic Development team where a business has contacted seeking advice and any relevant training opportunities or campaigns are shared via the Economic Development newsletter.
- 3.4.5. Officers also work with the Communications Team to use all available media outlets, including the Council's website to promote any relevant national strategies, changes in legislation or identified areas of concern.

3.5. Health and safety complaints and requests for service

- 3.5.1 These fall into one of the following broad categories:
- Complaints about unsafe working conditions, practices or equipment.
 - Complaints about welfare-related issues such as working hours, welfare facilities, and meal breaks.
 - Complaints about the lack of suitable training, supervision or instruction for employees.
- 3.5.2 Any reactive intervention will be proportionate and risk-based with reference to the HSE's risk-based approach to complaint handling and incident selection criteria. Interventions will most likely include contact with the duty holder, this may be a visit or other form of contact.

3.6. Notifiable accidents, injuries, diseases and dangerous occurrences (RIDDOR)

- 3.6.1. Notifications of accidents, injuries, diseases and dangerous occurrences are received via the HSE Extranet service. On receipt of a RIDDOR notification the case will be allocated to an officer who will determine whether an investigation will be carried out or not.
- 3.5.3 Investigations are carried out in accordance with relevant guidance and procedures, including the HSE's incident selection criteria guidance. Interventions will most likely include contact with the duty holder, this may be a visit or other form of contact.

3.7. Licensing, skin piercing registration and events

- 3.7.1. The service administers the registration of skin piercing activities within the district. New registrations are inspected as part of the registration process. The

number of registrations is reported quarterly to Licensing and Protection Committee.

3.7.2. The anticipated changes to the regulation of non-surgical cosmetic procedures have still not been introduced, it may be that this happens in 2024-25. The new legislation is expected to include a further licensing scheme. If this is introduced work will need to be undertaken to implement the new scheme and publicise it to affected businesses.

3.7.3. The team work closely with the Licensing team and provides technical advice and support regarding health and safety and the administration of licensing activities such including zoo licensing, riding establishments licensing. Joint inspections will be undertaken where appropriate.

3.7.4. Technical health and safety advice and support is also provided to event organisers via the premises licence and TEN notification statutory consultee process, and via the Safety Advisory Group.

3.8. Formal notifications

3.8.1. The Council receives formal notifications from specialist engineers relating to lifting equipment (statutory notifications of 'A' defects - defects which could cause a danger to persons); work with asbestos; pressure systems and location of cooling towers. Follow-up work is often required in all these areas to ensure that safe working practices are in place.

3.9. Health and safety partnership working

3.9.1. The Council supports the principles of the Primary Authority Partnership Scheme (PAP) and when dealing with business will check to see if they have a relevant partnership in place. Inspection Plans and Primary Authority (Assured) Advice must be taken into consideration when dealing with any relevant business.

3.9.2. There are a number of businesses operating in Huntingdonshire who are in a Primary Authority Environmental Health Partnership with another local authority. The Council does not currently have any health and safety partnerships but maybe open to exploring them with interested parties, subject to resources and in line with Corporate plans and policies. Costs are recovered from the business partner.

3.9.3. The Council recognises the importance of liaison with businesses and statutory bodies to ensure a consistent approach to enforcement. The most established mechanisms for this are through working with colleagues via the Cambridgeshire and Peterborough Food and Health and Safety Managers Group; liaising with businesses and Trading Standards colleagues regarding the Licensing of Sports Stadia; and liaising with organisations and Agency partners when attending Safety Advisory Group meetings.

3.10. Enforcement policy

3.10.1. In February 2018 Huntingdonshire District Council adopted a Corporate Enforcement Policy which sets out its approach to proportionate, transparent, fair and effective regulation and enforcement in accordance with the principles laid down in the Regulators' Code. Any Health and Safety at Work Enforcement will be in accordance with the Corporate Enforcement Policy.

4. Quality assessment and performance

4.1. Monitoring

4.1.1. The Environmental Health Service Manager is responsible for the overall monitoring of the service.

4.1.2. In general terms the service is monitored internally in accordance with Standard Operating Procedure (SOP) CT04. The practical arrangements include the following

- Reactive work is monitored with reference to response time and closure of service requests
- Programmed work is monitored against targets
- Periodic reviews of policies and procedures
- Weekly team meetings
- One-to-ones between the Environmental Health Service Manager and Officers
- County-wide working groups addressing specific issues and/or consistency of enforcement.
- Access to HSE Local Authority Advisory Unit and local liaison officer

4.1.3. Quarterly monitoring reports will be prepared for Licensing and Protection Committee. The activities reported on are presented in Appendix 1.

5. Review of 2023-24

5.1. Health and safety work has largely been focussed on health and safety complaints and requests for service (including participation in Safety Advisory Group) and investigation of RIDDOR notifications where the risk-based selection criteria suggests intervention is necessary.

5.2. More proactive work, including the work plan outline in the service plan for 2023-24, has been impacted by prioritisation of food hygiene inspections and consequently the areas selected for proactive intervention are carried forward into 2024-25 as local intelligence shows they are still relevant.

Appendix 1: Predicted Health and Safety Activity 2024-25

Activity	Predicted activity 2024-25	Total activity 2023-24
Premises inspections and interventions (including activities identified in Work Plan)	40	38
Health and safety complaints and requests for service (including advice to business/enquiries) *	100	140
Skin piercing registrations	50	41
Accident and dangerous occurrence reports received	70	49
Accident and dangerous occurrence investigations commenced **	30	19
Specific smoke free enforcement visits***	0	0
Matters of Evident Concern (MEC)****	35	64

* 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. A breakdown of service request areas will be given

**The selection of accidents for investigation is founded upon the risk-based criteria in Local Authority Circular (LAC) 22/13.

*** This figure is driven by the number of relevant complaints received by the service.

**** Matters of Evident Concern are significant health and safety problems that officers have noted during non-health and safety activities. (The fewer the better)

**Public
Key Decision - No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Suspension & Revocation of Hackney Carriage & Private Hire Licences.

Meeting/Date: Licensing and Protection Committee – 15 May 2024

Executive Portfolio: Executive Councillor for Customer Service–
Councillor Stephen Ferguson

Report by: Licensing Manager – Michelle Bishop

Ward(s) affected: All.

1. INTRODUCTION

The Community Services & Licensing Manager has delegated authority to refuse, suspend or revoke Private Hire and Hackney Carriage driver and vehicle licences under the powers delegated by the Licensing and Protection Committee.

Below is a summary of the actions that have taken place over the last 4 months.

2. REPORT

11.01.2024 to 01.05.2024

2.1

Date	Licence type	Decision	Reason	Comments
08.02.2024	Private Hire vehicle	Suspended	Vehicle defects	
15.02.2024	Hackney Carriage Vehicle	Refusal to Renew	Vehicle is believed to be used Out of Area and not intended for use in the District for immediate hire	
21.02.2024	Private Hire Vehicle	Revocation	Not fixed after a section 68 suspension issued	

29.02.2024	Private Hire Vehicle	Suspended	Failed at approved garage due to dangerous defects	
04.03.2024	Private Hire Vehicle	Suspended	Failed at approved garage due to dangerous defects	
08.03.2024	Private Hire Driver	Refusal of Application	Convictions & Allegations	
19.03.2024	Private Hire Driver	Refusal of application by Licensing Sub-Committee	Convictions	
28.03.2024	Dual Driver	Immediate Suspension	Arrested pending investigation	
28.03.2024	Private Hire Vehicle	Immediate Suspension	Vehicle has no insurance and named driver being suspended	
22.04.2024	Dual Driver	Immediate Suspension	Arrested pending investigation	
23.04.2024	Hackney Carriage Vehicle	Immediate Suspension	Vehicle Defects	
23.04.2024	Private Hire Vehicle	Immediate Suspension	Vehicle Defects	
23.04.2024	Private Hire Vehicle	Immediate Suspension	Vehicle Defects	
23.04.2024	Private Hire Vehicle	Immediate Suspension	Vehicle Defects	
23.04.2024	Private Hire Vehicle	Immediate Suspension	Vehicle Defects	
23.04.2024	Private Hire Vehicle	Immediate Suspension	Vehicle Defects	
29.04.2024	Private Hire Vehicle	Suspended	Vehicle involved in an accident	

3. MATTERS TO BE TAKEN INTO ACCOUNT

3.2 We currently have no outstanding licensing decisions that are awaiting a court date.

Date of original HDC decision	Licence type	Result
Feb 2024	New Driver - Refused	Applicant withdraw their appeal the day before due in court.

5. RECOMMENDATION

5.1 Members are requested to note and consider the above information.

Contact Officer: Michelle Bishop – Licensing Manager
licensing@huntingdonshire.gov.uk

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Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: **Licensing and Protection Sub-Committees**

Meeting/Date: Licensing and Protection Committee – 15 May
2024

Executive Portfolio: Executive Councillor for Customer Services –
Councillor S Ferguson

Report by: Elections and Democratic Services Manager

INTRODUCTION

The Licensing and Protection 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	Chair	Case	Determination
19 March 2024	B S Banks	New Application	Refused.

RECOMMENDATION

The Committee are invited to note the above information.

BACKGROUND PAPERS

Agenda and Minutes of the Licensing and Protection Sub-Committee

Contact Officer: Democratic Services Team – (01480) 388169

