

Environment and Safety Committee Agenda

Thursday, 20 May 2021 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
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Agenda Item 3 Public Document Pack

ENVIRONMENT AND SAFETY COMMITTEE

18 MARCH 2021

Present: Councillors Bishop (Chair), Cox (Vice Chair), Bacon, Marlow-Eastwood.

146. APOLOGIES FOR ABSENCE

Apologies received from Councillor Roberts.

147. DECLARATIONS OF INTEREST

None received.

148. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 13th August 2020 be approved as a true record.

149. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received.

150. EXCLUSION OF THE PUBLIC

Councillor Marlow-Eastwood proposed a motion to exclude the public, seconded by Councillor Cox.

RESOLVED – That the public be excluded from the meeting during the consideration of the items of business listed below because it is likely that, if members of the public were present, there would be disclosure to them of ‘exempt’ information as defined in the paragraphs of Schedule 12A to the Local Government Act 1972.

151. LICENSED DRIVER WITH EXCESS PENALTY POINTS. "FIT AND PROPER" TEST

The Licensing Lead Officer submitted a report to consider if the driver is a “fit and proper” person to continue holding a Hastings Borough Council Hackney Carriage/Private Hire dual driver’s licence as a result of getting 12 penalty points on his current licence.

In line with Hastings Borough Council’s disciplinary code, this meeting of the Environment and Safety Committee was called to determine if the applicant is a “Fit and Proper” person to hold a Hastings Borough Council Hackney Carriage/Private Hire driver’s licence.

The Licensing Lead Officer gave an overview of his report and answered questions from Committee members. The Committee were shown video evidence of the incident which resulted in 12 penalty points.

ENVIRONMENT AND SAFETY COMMITTEE

18 MARCH 2021

The driver made a submission to the Committee and answered questions from Councillors and the Licensing Lead Officer.

RESOLVED (Unanimously):

The Environment and Safety Committee for and on behalf of Hastings Borough Council has considered the report of the licensing officer and the submissions made by the driver and decided the driver is not a “Fit and Proper person” to hold a Hackney Carriage/Private Hire Vehicle Driver’s Licence and instruct the Environmental Health and Licensing Manager to suspend his licence for up to three months or until he has completed an equalities training course to the satisfaction of the Licensing Officer, whichever is sooner.

Reasons for the decision:

While the Committee understood that the driver’s job was important to him and he had a young family to support he had used an unacceptable obscenity and an unacceptable joke which was discriminatory and targeted a minority group. While the Committee believed the driver’s apology was sincere, it was believed that training was needed for the driver to fully understand what was wrong with what he had said and why it was offensive. The Committee believed the training would support the driver to continue with his profession as a taxi driver.

(The Chair closed the meeting at 6:40 PM)

Agenda Item 5

Report to: Environment and Safety Committee

Date of Meeting: 20th May 2021

Report Title: Taxi Licensing Policy review and inclusion of the statutory guidance issued by the secretary of state for transport to protect children and vulnerable individuals.

Report By: Mike Hepworth. Assistant Director. Environment and Place.

Purpose of Report

To review the draft Statement of Taxi Licensing Policy and to implement changes in policy following the introduction of the Statutory guidance issued by the Department for Transport in June 2020, and other matters.

Recommendation(s)

1) The Committee reviews the proposed Hastings Borough Council Hackney Carriage and Private Hire Licensing Policy, including the proposed implementation of the changes in process in light of the new 2020 Statutory guidance issued by the secretary of state for transport and agree the new policy.

Reasons for Recommendations

- a. The Secretary of State for Transport has issued new Statutory Guidance to Local Authorities on the exercising of taxi and private hire licensing functions, Hastings Borough Council does not currently have an all-encompassing Hackney Carriage and Private Hire Licensing Policy and it is now a requirement and best practice to do so.
- b. The Guidance sets out a framework of policies that, under section 177(4), of the Policing and Crime Act 2017, licensing authorities **must have regard** to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire licensing regimes.
- c. The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards. When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated.
- d. To enable the Licensing Committee to review the proposed changes and to consider and approve changes as identified following public consultation.

1.0 Introduction

1.1 Hastings Borough Council does not currently have an all-encompassing Policy relating to Hackney Carriage and Private Hire Licensing (**Appendix 1**) although it does have licence conditions and bylaws and guidelines in the form of a Handbook relating to the relevance of convictions etc. This handbook has been in place for several years. The Secretary of State for Transport has issued new Statutory Guidance to Local Authorities on the exercising of taxi and private hire licensing functions (**Appendix 4**).

1.2 The Department (DFT) recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards. When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated.

1.3 The council drafted a policy document and consulted on it from the 25th January 2021 till 15th March 2021. It was open to the public as well as the Taxi trade and displayed on the council website, emailed to the trade direct and placed on all council social media. We have received detailed responses from the trade and other interested parties, these have been discussed with the respondents separately. The responses are available within **Appendix 3**.

2.0 Background

2.1 Nationally, there is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and, in some cases, perpetrated by the trade, and the number of sexual crimes reported which involve taxi and private hire vehicle drivers.

2.2 It is expected the recommendations contained within this Guidance be implemented unless there is a compelling local reason not to.

2.3 The Guidance sets out a framework of policies that, under section 177(4), of the Policing and Crime Act 2017, licensing authorities must have regard to when exercising their functions. These functions include developing, implementing, and reviewing their taxi and private hire licensing regimes. 'Having regard' is more than having a cursory glance at a document before arriving at a preconceived conclusion.

2.4 'Having regard' to these standards requires public authorities, in formulating a policy, to give considerations and weight which is proportionate in the circumstances. Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area the importance of thoroughly considering these standards cannot be overstated. It is not a question of box ticking; the standards must be considered rigorously and with an open mind.

3.0 Key points in Policy

3.1 For ease and to avoid detailed commentary on every aspect covered in the statutory standards, **Appendix 2** contains a table detailing the requirements made and officer's comments with respect to those requirements. Only those aspects that require further consideration by the Environment and Safety Committee are detailed in this report. The draft Guidance introduces four broad objectives. These are: -

1. Ensure the safety and welfare of the public, which is the overriding objective.
2. Encourage environmental sustainability.
3. Ensure an efficient and effective hackney carriage and private hire provision.
4. Monitor and improve standards of service in the trade.

3.2 Minor amendments to this Guidance may be made by the Environmental Health and Licensing Manager or their nominated representative in consultation with the Chair of the Environment and Safety Committee. Significant changes shall be brought before the Environment and Safety Committee.

3.3 Specific guidance on equalities and accessibility is provided in response to requests from members of the public.

3.4 Licensing policies

3.4.1 Licensing authorities should review their licensing policies every five years but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.

3.4.2 One of the main requirements of the revised standards, is that Licensing Authorities should have a cohesive taxi and private hire policy document with a minimum review of every 5 years. As members of the Environment and Safety Committee will now be aware, the authority has already produced a consolidated policy document that can be used by the Committee, Officers, licensees, and members of the public as a single point of reference. As the document is a working one, it is recommended that a review date be set of May 2026 at the latest, as a result of this report and is kept under review and revised as appropriate or after any significant legislative change.

3.4.3 In order to expedite minor amendments to Policy without the need for consultation or a full committee hearing and decision, it is requested the committee agree the inclusion of the following statement in the Policy:

“Minor amendments to this Policy required for example by virtue of legislative change or administrative procedural change may be made by the Environmental Health and Licensing Manager in consultation with the Chair of the Environment and Safety Committee and the Portfolio lead councillor with responsibility for Licensing. The term Environmental Health and Licensing Manager should be considered as applying to powers conferred to the Manager or their nominated representative”.

3.5 Whistleblowing

3.5.1 Licensing Authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.

3.5.2 Hastings Borough Council has a comprehensive Whistleblowing Policy which is regularly reviewed. This can be accessed via the Council's intranet.

3.6 Consultation at a local level

3.6.1 Licensing authorities should engage within the local area to identify any concerns and issues that might arise from a proposed change

3.6.2 Hastings Borough Council are keen to hear the views of persons affected by its Licensing Policy and have identified people and organisations within its Hackney Carriage and Private Hire Licensing Policy which reflect those used as examples in item 3.12 of the new DfT Statutory Guidance.

3.7. Changing licensing policy and requirements

3.7.1 Any changes in licensing requirements should be followed by a review of the licences already issued

3.7.2 Implementation of any changes that affect current licence holders will be clearly communicated to all licence holders with further information accessible via the Hastings Borough Council website.

3.8 Common Law Police Disclosure

3.8.1 Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.

3.8.2 Joint Protocols are in place covering all relevant licensing functions and all related topics, in as much as it applies to each individual organisation in East Sussex. These include, but are not exclusive to; Sussex Police, East Sussex County Council (E.S.C.C), Public Health, and Neighbouring Sussex Authorities and the wider Pan Sussex licensing authorities.

3.9 Licensee self-reporting

3.9.1 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

3.9.2 Current Hastings Borough Council Policy states:

The operator shall within seven (7) days notify the Council in writing of convictions of any kind imposed on him/her (or if the operator is a company, any convictions imposed on the company) during the period of the licence, giving particulars of the date and place of conviction, the nature of the charge and penalty imposed together with such further information concerning the offence as the Council may require.

3.10 Referrals to the Disclosure and Barring Service and the Police

3.10.1 A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS

3.10.2 The Statutory Standards recommend that where there is a decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or

vulnerable adult, this should lead to an automatic referral by the licensing authority to the DBS.

3.10.3 Following a decision to refuse or revoke a licence by Hastings Borough Council as the individual is thought to present a risk of harm to a child or vulnerable adult, the authority make an automatic referral to the DBS under the Safeguarding Vulnerable Groups Act 2006.

3.11 Sharing licensing information with other licensing authorities

3.11.1 Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants

3.11.2 The standard recommends that tools such as the NR3 National Register of Taxi and Private Hire Refusals and Revocations, are used to share information with other Licensing authorities, and that this register should be consulted for new applications as this can reduce the risk of non-disclosure of relevant information. The Service already asks applicants to detail any previous refusal or revocations, and details of licences held elsewhere, but it is felt that the recommendation to also use and consult NR3 would be an appropriate additional safeguard, The Council already subscribes to the service.

3.12 Complaints against licensees

3.12.1 All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.

3.12.2 All complaints received are logged and investigated. The Licensing Team are currently using Northgate M3. A software system which allows linking of individual records against investigative files. Whilst the service has systems in place, it is about to undertake a change of software which will enhance the authority's recording and analysis capability further. This project is anticipated to be completed by early 2022.

3.12.3 Details of how to log a complaint against a licensed driver can be found on the website. This information is also to be provided within each licensed vehicle.

3.12.4 Hastings Borough Council has previously implemented a 'Penalty Points' system, which has been reviewed and enhanced to inform enforcement and any action required.

3.13 Overseas convictions

3.13.1 Licensing Authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas to properly assess risk and support the decision-making process.

3.13.2 Prior to consideration of any new application, overseas applicants who have lived in the UK for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous 5 years) in addition to an Enhanced Certificate from the Disclosure & Barring Service.

3.14 Criminality checks for drivers

3.14.1 All licensed drivers should be required to evidence continuous registration with the Disclosure & Barring Service (DBS) update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe to the Update Service should still be subject to a check every six months.

3.14.2 This is an increase on current checks (currently undertaken upon application; and every 3 years after the issue of the licence).

3.14.3 It will be a mandatory requirement for all drivers to sign up to the online Disclosure & Barring Service update service, and to give Hastings Borough Council authority to access records.

3.14.4 It is requested the committee consider mandating the requirement for all drivers to sign up to the online DBS update service, and to include an administrative fee of £40 in addition to the cost of the DBS application on any manual enhanced checks that need to be carried out due to the extra administrative processes required.

3.14.5 A 6 monthly DBS checks will be carried out throughout the duration of a licence: should the Authority not be able to access online records, a driver will still be required to undertake an Enhanced Check, at an additional cost to the driver. If no check is undertaken within 2 months of the 6-month requirement; the licence will be suspended.

3.14.6 For councillors information: in future, it will also be a requirement to have all licensed vehicle proprietors (that are not licensed drivers), and all Private Hire Operators, licensed with the Authority to undertake Basic Disclosures on an annual basis.

3.14 Safeguarding awareness

3.14.1 Hastings Borough Council is to seek and approve a provider of Safeguarding and CSE Awareness training as part of the application process and knowledge test (the provision of a training provider used by all Sussex councils is currently being investigated). This will be a phased approach to encompass all new applications and renewals.

3.15 Language proficiency

3.15.1 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills. This is assessed during the application process and Knowledge test.

3.16 Booking and Dispatch Staff

3.16.1 Licensing authorities should, as a condition of granting an operator licence, require a register to be kept of all staff that will take bookings or dispatch vehicles.

3.16.2 A register of all staff that will take bookings or dispatch vehicles under the authority of the Private Hire Operator will be kept.

3.16.4 The standards recommend that Operators should conduct basic DBS checks and have a policy on employing ex-offenders in call handling and dispatching roles. Operators have expressed concerns over how they would implement such a condition on their licences. Whilst this would be for them to seek their own advice regarding implementation and dealing with any human resource issues that may arise, it is appreciated that this policy change will take some time to implement. Therefore, it is recommended that the policy seeks to include this as a condition and that records need to be kept and provided for inspection by the licensing authority upon request. But that it does not come into effect until 1 January 2022.

3.17 Use of passenger carrying vehicles (PCV) licensed drivers

3.17.1 A PCV is not licensed by the council and drivers therefore do not have to have an enhanced DBS certificate in place. This policy will therefore prohibit the use of PCV and Drivers by a licensed private hire operator unless it is necessary (due to the number of passengers or luggage requirements) and the informed consent of the person booking is given.

3.17.2 Subject to the comments of Members, Officers intend to add the following condition to all Private Hire Operator Licences

“Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than 8 passenger seats are required or to accommodate luggage, the booker should be informed that a PCV is necessary, and that a PCV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check.

3.18 Relevance of Convictions and Cautions

3.18.1 The purpose of this policy is to set out the Council’s approach to convictions and cautions when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a driver, vehicle or operator licence. The Institute of Licensing publication “Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades” (2018) and DfT Statutory Standards have been taken into account in preparation of this policy and will be taken into consideration when making decisions. (Appendix F of the Taxi Policy).

3.20 CCTV in Vehicles

3.20.3 Imposition of a blanket requirement to attach in vehicle CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach, and will therefore require an appropriately strong justification and must be kept under regular review.

3.20.4 Due to financial damage and loss of earnings the trade have encountered during the past 15 months owing to the Covid-19 pandemic, It should be noted that at this time we do not feel that it is fair or proportionate to mandate the requirement to install CCTV within all vehicles. However, a fair proportion of vehicles already have CCTV installed. The requirement to mandate compulsory CCTV also carries serious data management responsibilities as the council would have to become the ‘Data Controller’. Nevertheless, we strongly recommend the voluntary use of CCTV and the policy details

the Information Commissioner Office (ICO) guidelines to assist. Officers recommend that this be reviewed again in 2023 and brought back to this committee.

4.0 Legal Consideration

4.1.1 Section 177(1) of the Policing and Crime Act 2017 states that '[t]he Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm'. The Secretary of State for Transport published the attached guidance, 'Statutory Taxi and Private Hire Vehicle Standards' in July 2020. Section 177(4) states that any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section.' Therefore, Licensing authorities are under a legal duty to have regard to the guidance.

4.1.2 In publishing this document, The Secretary of State for Transport stated that 'licensing authorities will be expected to fully implement these measures as soon as possible. The department will closely monitor progress, work with authorities not meeting their responsibilities and look to introduce legislation if licensing authorities fail to adopt the standards and update their operations.'

4.1.3 Paragraph 2.8 of the Standards states 'although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority's defence.'

5.0 Options

5.1.1 The Committee review the proposed HBC Hackney Carriage and Private Hire Licensing Guidance as proposed in Appendix 1. The Committee agrees for the Environmental Health and Licensing Manager to implement the policy.

5.1.2 Any changes as result of this meeting may be made by the Environmental Health and Licensing Manager or their nominated representative in consultation with the Chair of the Environment and Safety Committee.

5.1.3 As stated above at paragraph 4.1.1 concerning legal aspects, section 177 of the Policing and Crime Act 2017, '[a]ny public authority which has a licensing function under taxi and private hire vehicle legislation must have regard to any guidance issued under this section'. Accordingly, there is a legal duty for the Environment and Safety Committee to have regard to the Statutory Taxi and Private Hire Vehicle Standards.

6.0 Financial

6.1.1 There is no significant cost identified within this report, and the recommendations can be implemented within existing licensing service budgets. There is a minor cost associated with administering the consultation and a small yearly cost of membership to the National Anti-fraud Network, which is a cost considered appropriate to be taken from the Licensing fees.

6.1.2 There is small cost to the trade of around £4 per annum per driver for the supply of Safeguarding and CSE training, which will be required every three years.

7.0 Risk management implications

7.1.1 It is important that these changes are considered to ensure the safety of the public. Nationally taxi and private hire services have unfortunately been shown to be a high-risk licensing activity, with the primary purpose of this licensing regime being to maintain public safety. In terms of passengers this risk can be seen in cases of abuse, exploitation, and sexual crimes.

7.1.2 Whilst unfortunately no Licensing Authority can eliminate such risks entirely, having a robust set of policies and maintaining high licensing standards will help safeguard the most vulnerable in our borough and by extension the wider public.

8.0 Environmental Considerations

Local licensing authorities are encouraged to consider how they can support any local air quality management policies that the local authority may have adopted, particularly where Air Quality Management Areas (AQMAs) or Clean Air Zones have been introduced. At present HBC does not have any Air Quality Management Areas or Clean Air Zones but continues to monitor air quality on a daily basis. However, should this happen in the future, then further vehicle emissions standards relating to Clean Air Zones and Hackney Carriage and Private Hire Vehicles could be incorporated into the policy.

Wards Affected

All

Implications

Relevant project tools applied? N/A

Have you checked this report for plain English and readability? Yes

Climate change implications considered. Yes

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness

Crime and Fear of Crime (Section 17) YES

Risk Management YES

Environmental Issues YES

Economic/Financial Implications YES

Human Rights Act YES

Organisational Consequences
Local People's Views YES
Anti-Poverty

Additional Information

Appendix 1. Draft HBC Hackney Carriage and Private Hire Licensing Policy
Appendix 2. Measures contained within the Statutory Taxi and Private Hire Vehicle Standards and timescales for implementation.
Appendix 3. Consultation responses.
Appendix 4. DFT Statutory Taxi & Private hire Vehicle Standard 2020.

Background information:

[DFT Best Practice Guidance 2010](#)

[HBC Driver and operator handbook revised 2017](#)

[Institute of Licensing Guidance on determining the suitability of applicants April 2018](#)

Contact:

Stewart Bryant. Licensing Lead.

stewart.bryant@hastings.gov.uk

01424 783232



Hastings Borough Council Hackney Carriage & Private Hire Licensing Policy



Hastings Borough Council

Hackney Carriage and Private Hire Licensing Policy

Hastings Borough Council (HBC) licences Hackney Carriage (taxi) and Private Hire drivers, vehicles and operators. HBC has adopted the relevant provision of the Local Government (Miscellaneous Provisions) Act 1976 together with the Town Police Clauses Act 1847 and the Public Health Act 1875

Implementation date: 2021 Review 2026

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Environmental Health and Licensing Team Licensing@Hastings.gov.uk

1. INTRODUCTION

1.1.1 Hackney Carriage (HC) and Private Hire Vehicles (PHV) have a specific role to play in an integrated transport system. They can provide services in situations where public transport is either not available (for example in rural areas), or outside “normal” hours of operation (such as in the evenings or on Sundays), and / or for those with mobility difficulties. Taxi and Private Hire Vehicles play an integral part in the dispersal of customers and staff of the night-time economy. Many also undertake contract work transporting vulnerable people to schools and colleges.

Licensing requirements which are unduly stringent may hinder the supply of HC and PHV services, by increasing the cost of operation or restricting entry to the trade. Hastings Borough Council recognises that an unduly restrictive approach may be detrimental to the public interest and could have adverse safety implications.

For example, it is important that a member of the public using a HC or PHV to travel alone late at night, can be confident the driver is “fit and proper” and the vehicle is safe. However, on the other hand if the supply of HC or PHVs has been unduly constrained by onerous licensing conditions, then that person’s safety might be put at risk by having to wait on streets late at night for a HC or PHV to become available.

1.1.2 The Council’s authority to regulate the Hackney Carriage and Private Hire trade is through the adoption of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) and the Town and Police Clauses Act 1847 (as amended).

1.1.3 The Council licenses the following;

- Hackney Carriage Vehicles and Drivers
- Private Hire Vehicles and Drivers
- Private Hire Operators

1.1.4 A Hackney Carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public.

1.1.5 Private Hire Vehicles (PHV) must also have no more than 8 passenger seats but these must be booked in advance by customers through an operator and may not ply for hire in the street or stand at ranks.

1.1.6 A Private Hire operator makes provision for the acceptance of bookings for Private Hire Vehicles.

1.1.7 The requirements of the Acts are that the Council must be satisfied that a vehicle is suitable in type, size and design for use as a Hackney Carriage or Private Hire Vehicle and is in a suitable mechanical condition, safe and comfortable.

1.1.8 Concerning drivers, the 1976 Act requires the Council to be satisfied that the applicant is a fit and proper person to hold a licence.

1.1.9 The Policing and Crime Act 2017, enables the Secretary of State for transport to issue statutory guidance on taxi and Private Hire licensing functions for the purpose of

protecting children and vulnerable adults from harm when using taxi and Private Hire services.

1.1.10 In July 2020, the Secretary of State for Transport issued such statutory guidance, in the form of Statutory Standards. Licensing Authorities are expected to implement these unless there is a compelling local reason not to do so.

1.1.11 In addition to statutory requirements, the Council may attach conditions to licences as it considers reasonably necessary.

1.2 Aims of policy

1.2.1 The fundamental aim of this policy is the protection of the public. It aims to ensure that licensed vehicles are safe, comfortable, insured and are driven by safe, professional and competent drivers.

1.2.2 The Council looks to well-run and responsible businesses that provide a professional service to the public.

1.2.3 The policy sets out the minimum requirements for licensing drivers, vehicles and operators that will be implemented through the licensing regime to achieve these aims. In setting conditions, it is recognised that these should not be unduly stringent, to the extent that entry to the trade is restricted or operational costs are increased such that supply of Hackney Carriage and Private Hire services is restricted. Such a restrictive approach may have a detrimental impact on the public, including safety.

1.2.4 For example, it is clearly important that somebody using a taxi to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or Private Hire Vehicles has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

1.2.5 The cost of a licensing requirement therefore needs to be considered in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment is undertaken, but that broadly the costs of introducing a licensing condition is weighed against the benefit it is intended to achieve.

1.2.6 Enforcement matters will be addressed with transparency and fairness but robustly when dealing with serious and / or repetitive issues of non-compliance and enforcement.

1.2.7 All decisions are made "on the balance of probability", given that public safety is paramount, applicants and licensees will not be given the benefit of the doubt in 50/50 cases.

1.2.8 In exercising its discretion in carrying out its regulatory functions, the Council shall have regard to this policy document as an aid to consistent decision making.

1.2.9 The policy represents the Council's view on the best approach to achieving its aims, and so in normal cases it is expected that this policy will be followed. However,

each case will be considered on its merits. Should a decision depart from this policy then there will be clear, documented reasons for doing so.

1.2.10 Licence holders and potential applicants are strongly advised to be familiar with this policy as it sets out considerations and criteria the Council uses when determining applications, as well as the standards that are expected of licence holders. This should help minimise the likelihood of refused applications or enforcement action.

1.3 Preparation, implementation and review of this policy

1.3.1 In preparing this policy, account was taken of the following:

- “Taxi and Private Hire Vehicle Licensing – Best Practice Guidance” (Department of Transport (DfT)– 2010).
- Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades (Institute of Licensing April 2018).
- Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance (Department for Transport 2017).
- Statutory Taxi and Private Hire Vehicle Standards (Department for Transport DfT July 2020).

1.3.2 Consultation was also undertaken for a six week period, published on the council’s website and advertised on all council social media. An email containing the policy and other information was also sent to all members of the taxi trade

The Policy was presented to Environment and Safety Committee on 20th May 2021

This Policy Comes into effect on XXXXXXXXXXXXXXXX under a transitional period

1.3.3 The Council will review its policy at least every 5 years, and at other times should an issue arise that gives need for a review.

[Minor amendments to this Guidance/Policy required for example by virtue of legislative change or administrative procedural change may be made by the Environmental Health and Licensing Manager / Lead Officer - Licensing in consultation with the Chair of the Environment & Safety Committee and the Lead Portfolio holder with responsibility for Licensing. The term Environmental Health and Licensing Manager should be considered as applying to powers conferred to the manager or their nominated representative.](#)

Significant amendments to the Guidance will require a full public consultation prior to consideration by the Environment & Safety Committee. Significant amendments include those that will have a significant procedural or financial impact on applicants, licence holders or the public and those which are inconsistent with the Guidance objectives. [Any changes to the licensing requirements will be followed by a review of the licences currently issued. If requirements are changed regarding vehicle specification or licence holders will need to undertake additional training, then reasonable time will be allowed for these changes to take place. Where a more subjective change has been introduced, for example an amended policy on previous convictions, the licensing authority will consider each case on its own merits. Where there are exceptional, clear, and compelling reasons to deviate from a policy, the licensing authorities will consider doing so.](#)

1.4 Publication of Information

1.4.1 The Council is under a duty to publish its driver, vehicle and operator licensing data in such form as the Secretary of State may require.

1.4.2 The Council may publish details of licensed vehicles, drivers and operators on its website, including licences recently suspended or revoked.

1.4.3 Under the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019, the local authority is required to submit details of licensed vehicles to- DEFRA

1.4.4 HBC will share information in relation to refused licence applications and revoked licences through the National Antifraud Network.

1.4.5 The Council may share information concerning decisions to refuse, suspend or revoke a licence with the Police, DBS service or other agencies, particularly where decisions have arisen from safeguarding concerns.

1.4.6 Further information in relation to handling and sharing of information is set out in the Council's privacy notice on Taxi Licensing.

1.4.7 The Council will ensure that these aims are met by setting minimum requirements for the licensing of drivers, vehicles and operators. These requirements include:

- Up to three yearly licensing of drivers including medical checks, [six monthly criminal record clearance](#), an appropriate level of driving ability and a sound knowledge of the area, [including Disability and Child Exploitation awareness](#).
- DVLA checks of all drivers' licences at first application and at renewal.
- Five yearly licensing of Private Hire operators, subject to the power to grant a licence for a shorter period should this be appropriate in the circumstances.
- 'Group 2' medical standards as applied by DVLA to the licensing of lorry and bus drivers and applying the C1 standards to Hackney Carriage and Private Hire drivers with insulin treated diabetes
- Routine inspections of records maintained by Private Hire operators.
- Annual licensing of vehicles will include inspections by authorised officers which will incorporate mechanical vehicle testing and confirmation of appropriate documentation such as insurance certificate.
- Investigation of complaints and enforcement of legislation and licence conditions with appropriate action taken in accordance with the Council's Enforcement Policy statement.
- [Ongoing training and development of Licensing staff and councillors, including Whistleblowing procedures.](#)

Provision of information to the Hackney Carriage and Private Hire trades with members of the public through press releases and publications, the Council's website, and attendance at relevant forums.

1.5 Governance

1.5.1 The DfT has national responsibility for Hackney Carriage and Private Hire legislation in England and Wales. As a result of the Office of Fair Trading producing a

report on the UK Hackney Carriage and Private Hire trade, the DfT was asked to produce Best Practice Guidance for local licensing authorities. In 2020 the DfT released the 'Statutory Taxi & Private Hire Vehicle Standards'. The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).

The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010. Where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and Private Hire Vehicle licensing, the standards in this document take precedence.

1.5.2 The document sets out a framework of policies that, under section 177(4), licensing authorities "**must have regard**" to when exercising their functions. These functions include developing, implementing and reviewing their taxi and Private Hire Vehicle licensing regimes. "Having regard" is more than having a cursory glance at a document before arriving at a preconceived conclusion.

1.5.3 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the Working Together to Safeguard Children statutory guidance.

1.5.4 Hastings Borough Council has a comprehensive Whistleblowing Policy which is regularly reviewed.

2. Definitions and interpretation

2.1 Throughout this document:

- 'The Council' means Hastings Borough Council
- 'Vehicle' or 'Licensed Vehicle' means both a Hackney Carriage and Private Hire Vehicle
- 'Hackney Carriage' means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council
- 'Private Hire Vehicle' means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking

- ‘Private Hire Operator’ means a person who makes provision for the acceptance of Private Hire bookings to undertake themselves or pass to others to undertake.
- ‘Proprietor’ refers to owners of either Hackney Carriage or Private Hire Vehicles, unless expressly stated or the context indicates otherwise and includes a part proprietor
- ‘The DfT’ means the Department for Transport, including previous names under which that Department has been known.
- ‘The DfT Guidance’ means The Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in November 2006
- The ‘DfT Consultation Guidance’ means the Department for Transport’s Best Practice Guidance Consultation document, published May 2009
- The ‘DfT Statutory Taxi & Private Hire Vehicle Standards’ means the Department for Transport’s Statutory Taxi & Private Hire Vehicle Standards’ guidance document published September 2020
- ‘Sub-Committee’ means the Environment & Safety Sub-Committee of the Council
- The word ‘Taxi’ has no meaning in law and is often used generically to describe both Hackney Carriages and Private Hire Vehicles
- The term ‘DVLA driving license’ means a full original GB driving license
- ‘EEA’ means European Economic Area
- ‘Environmental Health and Licensing Manager’ means the Environmental Health and Licensing Manager or their nominated representative.

3. Vehicles

3.1 Limitation on Numbers

3.1.1 No powers exist for licensing authorities to limit the number of Private Hire Vehicles that they licence.

3.1.2 Section 16 of the Transport Act 1985 made provision for the grant of a Hackney Carriage licence may be refused, for the purpose of limiting the number of licensed Hackney Carriages “if, but only if, the local authority is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet”. In the event of a challenge to a decision to refuse a licence on these grounds, it would, therefore, must be established that the Council had been reasonably satisfied that there was no significant unmet demand.

3.1.3 Most local authorities do not impose quantity restrictions. The Department for Transport regards this as best practice.

3.1.4 The Council does not currently set a limit on the number of Hackney Carriages which it licenses. A limit of 48 Hackney Carriages was set for many years but removed by a Council decision in 2016. Hackney Carriages numbers 01 to 48 retained “grandfather rights” and can be replaced by any type of acceptable vehicle. New Hackney Carriages (Nos 49 and upwards) must be vehicles fitting an agreed new specification. See **Appendix C**. The council does not intend to set a limit on the number of Hackney Carriages that it licences.

3.2 Vehicle Specifications

3.2.1 Local Authorities have a wide range of discretion over the types of vehicles that they can licence as Hackney Carriage or Private Hire Vehicles. Best Practice Guidance is that local authorities should adopt the principle of specifying as many different types of vehicles as possible. This could be done, for example by specifying general criteria, and allowing the Hackney and Private Hire Trades to put forward vehicles that meet those criteria

3.2.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Hackney Carriage or Private Hire Vehicle licence. Hackney Carriages and Private Hire Vehicles provide a necessary service to the public, so it is appropriate to set standards for the external and internal condition of the vehicles, provided that the standards are reasonable and proportionate.

3.2.3 Specifications and licence conditions for vehicles are set out in **Appendix C**

3.2.4 Private Hire Vehicles may be any colour other than BLUE, however Hackney Carriages (Nos 0-48) must be Dark Blue in colour and (Nos 49 upwards) must be either sprayed or wrapped in Dark Blue (Base colour code 8M4KJD6B) as set out in the vehicle specification conditions **Appendix C**

3.2.5 The council will not licence a vehicle which is already licensed with another council or Transport for London. If the council becomes aware that a vehicle is dual licensed, then the licence is likely to be revoked.

3.2.6 [Stretch limousines are sometimes used for Private Hire bookings and special events. These are often imported vehicles, and due to their nature may not meet standard vehicle specifications set out in licensing policy \(for example, to be right hand drive\).](#)

3.2.7 [Imported vehicles may not have certification to EU Whole Vehicle Standards. Such vehicles would normally require certification under the Individual Vehicle Approval \(IVA\) Scheme to demonstrate that they meet appropriate safety standards.](#)

3.2.8 [The Department of Transport view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it may lead to higher levels of unlawful operation. Additional Specifications and Conditions relating to stretch limousines are set out in **Appendix H**](#)

3.2.9 Applications for stretch limousines to be licensed as Private Hire Vehicles will be considered on their merits provided, they have no more than 8 passenger seats.

3.2.10 Any vehicle with a 'Q' plate registration will not be licensed as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts.

3.2.11 Vehicles will in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Applications in relation to smaller vehicles to be licensed for the carriage of less than 4 persons will be considered on an individual basis. Purpose built vehicles are amongst those which the Council will license only as Hackney Carriages in view of the possible confusion in the minds of the travelling public between the two types of licensed vehicle.

3.3 Accessibility

3.3.1 The council is committed to supporting and promoting equality and diversity. The Equality Act 2010 has made provision for the assistance of taxi and Private Hire Vehicle passengers in wheelchairs and to those who have guide dogs and other assistance dogs. The sections relating to wheelchair users (sections 165 and 167) came into force on 06 April 2017 and the provisions relating to assistance dogs (sections 168 – 173) came into force in October 2010. In accordance with sections 168 – 173 taxi and Private Hire Vehicle drivers are under a duty to carry guide, hearing and assistance dogs without additional charge. Drivers must convey assistance dogs and allow it to remain with the passenger.

3.3.2 The Secretary of State has the power to impose accessibility requirements on large operators. In particular, the power could permit the setting of quotas of accessible vehicles which must be available to such operators

3.3.3 This policy does not currently mandate vehicles to be a wheelchair accessible design. However, such vehicles are encouraged, and it is best practice to maintain a mixed fleet. Of the Hackney Carriages currently licensed 15% are reported to be wheelchair accessible.

3.3.4 The council will maintain a list of Designated Wheelchair Accessible Vehicles in accordance with S167 of the Equality Act 2010. A designated wheelchair accessible vehicle is a licensed Hackney Carriage or Private Hire Vehicle which can carry a passenger whilst they remain in their wheelchair. This list will be published on the council website. It will be updated when information becomes available following issue of licences. The Council will therefore require all new Hackney Carriage or Private Hire Vehicle license applications for vehicles that have been manufactured or adapted to carry passengers in their wheelchairs, to have side-loading facilities. Rear-loading shall be normally prohibited unless a compelling case is made to show that no other form of loading is possible.

3.3.5 Drivers of designated wheelchair accessible Hackney Carriage and Private Hire Vehicles have a legal duty under Section 165 of The Equalities Act 2010 to:

- to carry the passenger while in a wheelchair
- not to make any 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 that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

3.3.6 Mobility assistance is 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.

3.3.7 It is accepted that there will be some specialist or motorised wheelchairs which due to their dimensions may not be able to be loaded or conveyed safely in all designated vehicles and it is not practicable to require vehicles to be able to do so. It may be a reasonable defence if a driver is not able to fulfil duties under the Act due to the size/design of the wheelchair. However, it is expected that if passengers cannot be accommodated for this reason, that it is dealt with sensitively and clearly explained to the passenger.

3.3.8 The legal duties set out in 3.3.5 above do not apply to drivers of vehicles on the voluntary list. However, it is expected that drivers on this list will accept a passenger who is able to transfer onto a seat from their wheelchair and provide reasonable assistance to the passenger, without extra charge.

3.3.9 DfT guidance states that fare meters should not be left running whilst a driver is fulfilling these duties (e.g. loading / unloading wheelchairs, providing assistance to the passenger,) as this would constitute making an extra charge for doing so. Meters left running under these circumstances would be treated as a breach of the Act and this policy.

3.3.10 Drivers who for medical reasons or due to their physical condition make it impossible or unreasonably difficult for them to carry out duties to passengers in wheelchairs, may apply to the council for an exemption certificate. Such certificate will only be issued on production of medical evidence. Exemption Certificates must always be displayed in the vehicle when the driver is working.

3.3.11 Under the Equality Act 2010, licensed drivers of taxis and Private Hire Vehicles are under a duty to carry passengers with guide, hearing, and other assistance dogs. When carrying such passengers, drivers have a duty to:

- Convey the assistance dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

3.3.12 Drivers who, for medical reasons are unable to accept assistance dogs can apply to the Council for an exemption certificate/Disc. Such a certificate will only be issued on

production of sufficient medical evidence. Exemptions must be displayed in the vehicle at all times the driver is working.

3.4 Environmental considerations

3.4.1 The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

3.4.2 The age criteria for vehicles within this policy will ensure that over time the fleet will benefit from general improvements in environmental performance.

3.4.3 Vehicle Specifications enable Electric, Hybrid or LPG converted vehicles to be licensed.

3.4.4 Local licensing authorities are encouraged to consider how they can support any local air quality management policies that the local authority may have adopted, particularly where Air Quality Management Areas (AQMAs) or Clean Air Zones have been introduced. At present HBC does not have any Air Quality Management Areas or Clean Air Zones. In addition, HBC undertakes automatic daily air quality monitoring, has an Air quality strategy for the borough and produces an Annual Status report (ASR) on Air quality which is available to view on the council's website. These results have not shown any issues with Air quality standards or emissions. However, should there be any change in the future, then the vehicle emissions standards relating to Clean Air Zones and Hackney Carriage and Private Hire Vehicles should be incorporated into the policy.

3.4.5 Emissions from Hackney Carriages and Private Hire Vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at Hackney Carriage ranks. It is proposed that this aspect be tackled through education and promotion.

3.4.6 The Government suggests that by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European-wide emission limits are having on improving air quality. In private cars these standards are introduced for new vehicles as follows:

Vehicle engines shall meet the relevant Euro standards for the maximum age of a new vehicle into the trade: (currently Euro 6 (vehicles from 2015))

Hybrid or Electric vehicles are also acceptable.

3.5 Age of Vehicles

3.5.1 The Council places an age restriction on licensed vehicles and requires a higher frequency of MOT testing for older vehicles.

3.5.2 In normal circumstances no vehicle shall on first application for a licence be older than 5 years from the time of its first registration and on submission for renewal of a licence be more than seven years old since the time of first registration (10 years for purpose-built vehicles).

3.5.3 All vehicles over five years old shall be required to pass two MOT inspections each year.

3.5.4 The Authority will not re-licence a vehicle if it is more than 7 years old (10 years for wheelchair accessible vehicles) – apart from in exceptional circumstances at the discretion of an authorised officer.

3.6 Vehicle Testing & Inspection

3.6.1 An MOT pass certificate, carried out by an authorised MOT testing station must be produced for all vehicles that are over one year old. Subsequent MOT pass certificates must be produced annually until the vehicle reaches five years of age, at that point the Council requires all vehicles to produce an MOT pass certificate every 6 months.

3.6.2. In addition to the MOT testing the vehicle will be subject to an annual check by one of the Councils authorised licensing officers. Any vehicle that fails its inspection may have its licence suspended until such time as it has been re inspected and passed by an authorised Council officer. Ad hoc inspections of vehicles will also take place by officers.

3.6.3. As the safety of the public is a predominate factor of this policy, details of all vehicles involved in an accident must be reported to the Council. Where damage occurs, the vehicle will normally be inspected by an authorised Council officer before continuing to operate. The vehicle will also normally be inspected by an authorised Council officer after completion of any repair work before being returned to operation.

3.7 Insurance and Road Tax

3.7.1 Vehicles must be taxed and have valid insurance which covers the vehicle for carriage of passengers for hire or reward. Insurance will be checked as part of the application process. The certificate of insurance must be provided on request. On renewal of the policy, a copy of the insurance certificate should be provided to the council at the earliest opportunity.

3.7.2 Given the importance of maintaining valid insurance which covers the vehicle for carriage of passengers for hire or reward, licensed vehicles found to have no valid insurance cover or where evidence of valid insurance cover is not provided, will be suspended.

3.8 Signage and Livery

3.8.1 Members of the public can often confuse Private Hire Vehicles with Hackney Carriages, without realising that Private Hire Vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public are able to easily distinguish each type of vehicle.

3.8.2 It is possible to prohibit Private Hire Vehicles from displaying any identification at all apart from the local authority license plate or disc. Some clearer identification is however, seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver and secondly because it is quite reasonable (and in the interests of the travelling public) for a Private Hire Vehicle operator to be able to state on the vehicle the contact details for hiring.

3.8.3 The DfT Guidance recommends as best practice, a license condition that requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local authority and which specifies that the vehicle can be 'pre-booked only'. This approach identifies the vehicle as Private Hire and helps to avoid confusion with a Hackney Carriage, but also gives useful information to the public wishing to make a booking.

3.8.4 Roof-mounted signs on Private Hire Vehicles are not seen as best practice even if they indicate 'pre-booked only'. Any roof-mounted sign, however unambiguous its words, is liable to create confusion with a Hackney Carriage.

3.8.5 Within the Council's area, Hackney Carriages and Private Hire Vehicles are required to display a license plate on the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. (A limited number of Private Hire Vehicles are exempted from displaying plates in certain circumstances). The plates shall not be magnetic, as these have been reported to frequently fall off the vehicles when in motion, resulting in an unacceptable hazard to road users and additional costs of replacement for the proprietor. In addition, many new vehicles emerging on the market are made of light non-magnetic materials, making magnetic plates un-workable. Thirdly as magnetic plates are quickly removed their use is open to abuse by both licensed and unlicensed drivers, the latter in particular causing a public safety risk.

3.8.6 All Hackney Carriages licensed by the Council must carry illuminated roof-mounted signs bearing the word "TAXI" and nothing else and these must be lit when plying for hire. In order to differentiate between the two types of licensed vehicle, Private Hire Vehicles must not carry roof-mounted signs of any kind and they must have no signs using the words "Taxi", "Hackney", "Cab" or "For Hire".

3.8.7 In view of the variety of signage allowed in other districts, a specification has been adopted for the colour, size, shape, and content of the signs which identify the vehicle as licensed. The specification is contained within **Appendix C**.

3.8.8 The Council considers that although there does not appear to be a problem in its area in members of the public hailing Private Hire Vehicles and such vehicles do not attempt to ply for hire on ranks, both of which happen in other districts, the Council considered it necessary to bring in a requirement that Private Hire Vehicles display 'Pre-booking only' door stickers. The Council considers that it is the choice of proprietors whether and how they let customers know they charge less than the Council's maximum fare tariffs. This is identified by a fare tariff card within the vehicle.

3.8.9 Those Private Hire Vehicles which have been granted an exemption from displaying their license plate by the Council shall ensure that they carry an exemption certificate (in the form of a Tax disc type certificate) issued by the Council on the vehicle and comply with all the conditions attached to the exemption.

3.8.10 Some licensing authorities require taxis to conform to requirements in terms of livery and markings, in order that they may be easily identified. Such an imposition is considered appropriate in this Council's area. It is felt that the visual distinction between Hackney Carriages and Private Hire Vehicles is enhanced by such a policy. Licensed vehicles are to be finished in a special livery or appearance. All licensed Hackney Carriages must be Dark Blue in colour with Hastings Borough Council crest on the

bonnet area. All licensed Private Hire Vehicles can be any colour other than Blue. Exemptions will be permitted for temporarily licensed vehicles, when used for a short period as a result of an accident or break down or for specialist vehicles with the prior approval of the Environmental Health and Licensing Manager or their nominated representative .

3.8.11 All vehicles will be required to display information on how to make a complaint to the licensing authority. For vehicles holding a licence at the time this policy came into effect, information must be displayed within 3 months of this policy coming into effect.

3.9 Advertising

3.9.1 Advertising the proprietor or operator's business on the rear doors will be permitted, but this will be strictly controlled so that confusion between the two types of vehicle is kept to the minimum. Advertising may be allowed subject to the prior approval of an Officer in the Licensing Team to ensure that it could not be considered inappropriate or offensive.

3.9.2 No advertising to be religious or political in nature or anything likely to cause offence.

3.10 Security and CCTV

3.10.1 The DfT guidance recommends that licensing authorities look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems. Such measure can act as a deterrent to would be trouble makers. It may also protect drivers from unjustified complaints and provide a source of evidence in the event of a dispute between passenger and driver.

3.10.2 This policy does not require the mandatory installation of CCTV systems (as detailed within Appendix C). Currently it is left to the judgement of the owners and drivers themselves. However, the council will keep the need for requirement of CCTV under regular review. The Hackney Carriage and Private Hire Vehicle trades are however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

3.10.3 The Hackney Carriage and Private Hire Vehicle trade is, however encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis. It will be the responsibility of the operator to handle relevant data gathered in an appropriate and secure manner. For information and guidance on data protection see Information Commissioners Office (ICO) website <https://ico.org.uk/>

3.11 Plate and door sign exemption

3.11.1 Whilst the legislation requires vehicles to display plates at all times, It also provides for exemptions to be given to Private Hire Vehicles. Not all Private Hire Vehicles will have access to this exemption. It is intended that exemption will apply to only a very small minority of Private Hire Vehicles where it is necessary for commercial or safety reasons – for example, executive chauffeur services.

3.11.2 Proprietors of vehicles who wish to be exempted from displaying licence plates and door signs must apply for an exemption certificate. Applications will be considered where

- the vehicle is used for executive chauffeur type work (evidence of a contract may be requested)
- the vehicle to be exempted is of high quality in terms of brand and condition. Vehicles will normally be an accepted luxury brand, such as Mercedes Benz, BMW, Jaguar, Lexus, Bentley, Rolls Royce. The proprietor must satisfy the licensing officer that the exemption is necessary.

3.12 Funeral vehicles

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

3.13 Wedding vehicles

3.13.1 A vehicle does not need to be licensed to be used in connection with a wedding i.e. transport to and from the place of a wedding or venue but not to transport to an airport or dock.

3.13.2 Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

3.13.3 If a licensed Hackney Carriage or Private Hire Vehicle is used for a wedding the license plate, roof sign and door stickers must still be displayed, unless the vehicle holds an exemption certificate.

3.14 Temporary Vehicles

Special arrangements exist for the licensing of temporary vehicles. Such vehicles are usually licensed for short time periods (up to 1 month at a time) to cover the loss of a licensed vehicle through damage or repair. The temporary licence to be terminated once the licenced vehicle is repaired and ready for use on the road.

3.15 Transfers

3.15.1 A proprietor of a licensed Hackney Carriage or Private Hire Vehicle may transfer their interest in the vehicle to another person but under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976, must ensure that the Council is notified of the new proprietor's name and address within 14 days. The Council requires that applications to transfer a license must be made online in accordance with the application procedure set out in **Appendix B**.

N.B. A 'transfer' is the sale of a licensed vehicle (including the paper license and license plate) from one person to another as opposed to when a proprietor wishes to license a vehicle as a Hackney Carriage or Private Hire Vehicle which is not currently licensed as such, which is an application for a 'new vehicle license'.

3.15.2 The license fee payable is subject to annual review and will be published together with other Council licensing fees.

3.16 DBS Checks on Vehicle Proprietors

3.16.1 As required by the DfT Statutory Standards, applicants for a vehicle licence will be required to submit a basic DBS check. This will be required annually. If the applicant is a Ltd Company or partnership, it is important that the fit and proper person test is applied to each director/ partner. A DBS check will be required for each director/ partner. Any disclosed convictions will be taken into account when considering the suitability of a person to hold a licence. Our convictions policy is set out in **Appendix F**.

3.16.2 Applicants that also hold a drivers licence with this Council, will not be required to provide the Basic DBS, as they will already provide the Enhanced DBS as required by this policy. However, should they cease to hold a drivers licence then a Basic DBS will be immediately required.

3.16.3 Where an applicant has spent time outside of the UK, a certificate of good conduct will be required from the relevant embassy, as set out in Drivers section of this policy.

3.16.4 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office guidance. ([overseas criminal record checks](#))

3.16.5 If a director / partner changes during the term of the licence, the Council must be notified. Further DBS check may be required.

3.17 Application procedure

3.17.1 The Council requires that applications for a Hackney Carriage or Private Hire Vehicle license must be made on the Councils website in accordance with the application procedure set out in **Appendix A**. All parts of the on-line form must be fully completed including the signed declaration.

3.17.2 The license fees payable are subject to annual review and will be published together with other Council licensing fees.

3.18 Consideration of applications

The Council will consider all applications on their own merits once it is satisfied that the application is complete. Full details of how applications are considered can be seen at Appendix A.

3.19 Grant and renewal of licenses

3.19.1 Legislation limits the maximum length of a vehicle licence to 12 months. Licences will therefore normally be granted for 12 months. There may be circumstances where the council considers a shorter licence to be appropriate. However shorter licences will not be used as a "probationary" tool.

3.19.2 The Council will therefore grant Hackney Carriage and Private Hire Vehicle licenses for a period of one year. However, a license may be granted for a shorter period, should this be appropriate in the circumstances.

3.19.3 It is the proprietor or operator's responsibility to ensure that vehicle re-tests are carried out in sufficient time for a new MOT certificate and other necessary documentation to be available for processing by Council staff in time for the issue of a license.

3.19.4 Council officers will endeavour to send a reminder to the current vehicle proprietor, one month before their existing license expires to assist applicants in their prompt submission of renewal application. However, the Council is not obliged to do this and the responsibility for ensuring licenses do not expire remains with the license holder.

3.19.5 From the date of receipt of a satisfactory and complete vehicle license application, a minimum of five working days is required before the appropriate license can be issued. Failure to do this may result in the license expiring and therefore to grant a new license the vehicle shall comply with all the conditions in Appendix C which it may have previously been exempted from.

3.19.6 Licensing Team Officers will only accept complete applications comprising all the necessary paperwork. Incomplete or missing documentation will result in the application being put on hold. If an application is received late, the license may expire before a new one can be issued, therefore the vehicle will be unlicensed during which time it will be illegal to use it for the carriage of passengers for hire or reward.

3.20 Change of details

The proprietor must notify the Council in writing of any change of his/her address or telephone number during the period of the license, immediately after or preferably before the change takes place. Section 44 of the Town Police Clauses Act 1847 states that a Hackney Carriage Proprietor must give notice of a change of address, in writing within 7 days.

4 DRIVERS

4.1 Licences

4.1.1 Hastings Borough Council issue one type of Licence - Dual (combined Hackney Carriage and Private Hire)

4.1.2 Licences are normally granted for a period of three years. A licence may be granted for a shorter period where appropriate. For example, where a driver has a limited right to work period. Note: A driver cannot receive a licence for a period longer than their "right to work". Shorter licences will not be granted on a "probationary" basis.

4.1.3 Before granting a driver's licence, the council must be satisfied that the applicant is a 'fit and proper person' to hold a licence.

4.2 Age and Experience

4.2.1 Department for Transport (DFT) Guidance recommends that maximum age limits for drivers should not be set, providing that regular medical checks are undertaken. It also considers minimum age limits (beyond the statutory age for holding a full drivers licence) as inappropriate. Therefore, the council will not set minimum or maximum age limits for drivers. However, in accordance with legal requirements, applicants must have held a valid full UK (OR EU/EAA driving licence) for a minimum of 12 months prior to their application.

4.3 Driver & Vehicle Licensing Agency disclosure

The grant of a licence is subject to a check being made with the DVLA in respect of any relevant convictions. The check is carried out annually or at other times if the council believes that there is reason to do so. Each applicant must supply a DVLA check code for officers to make appropriate checks via gov.uk

4.4 Driving Proficiency

4.4.1 New applicants will be required to provide evidence that they have, within the 12 months prior to their application, passed a Driving Standards Assessment (DSA) specifically designed for Hackney Carriage and Private Hire drivers.

4.4.2 The assessment must be carried out by the Council's nominated provider.

4.4.3 Where there is any doubt as to the driving ability of the licence holder, or any significant changes to the driver's circumstances, since the grant of the licence, the Authority may require the applicant to pass a further DSA test. Any fees must be met by the applicant.

4.5 The Knowledge Test

4.5.1 Hackney Carriage and Private Hire drivers clearly need a good working knowledge of the area for which they are licensed. Members of the public deserve to be transported by the most direct and therefore cheapest route. Hackney Carriages can be hired immediately, directly with the driver, at Hackney Carriage stands or hailed on the street, whereas Private Hire Vehicle drivers will normally have time to check the shortest or quickest route on a map/GPS and discuss the options with the hirer prior to the hire commencing. The DfT recognises that most authorities require prospective drivers to pass a test of local topographical knowledge as a condition of first grant of a license. (The stringency of the test reflecting the complexity or otherwise of the local geography, on the principal of ensuring that barriers to entry into the trade are not unnecessarily high).

4.5.2 The DfT's Consultation Guidance refers to drivers who wish to carry out school contracts being deterred from the role because of a local authority's requirement for them to sit a knowledge test. This Council will continue to require those who wish to carry out school contracts to undergo a knowledge test on the grounds that it is still important for them to have a knowledge of the area in case of road closures or accidents, and is also still important for them to have an awareness of the requirements of the Highway Code, licensing legislation and the Council's Conditions. There would also be difficulties in enforcing that any driver issued a license in order to carry out a

school contract did purely that and tracking the employment of a driver to ensure this would be unduly onerous on Council officers.

4.5.3 In order to maintain the high standards that the Council expects of drivers, a license to drive a Hackney Carriage or Private Hire Vehicle will not be granted unless the Council is satisfied that the applicant is a “fit and proper” person, one of the criteria for which includes a test of the area in which they wish to operate and knowledge of safety matters, basic maths, taxi/Private Hire licensing law and Child Safeguarding awareness.

4.5.4 Possibly due to the change in the make-up of the local population and the current economic climate, there has been an increase in the number of applicants, specifically those whose first language may not be English. It is considered that sitting the test is a good enough test of English language proficiency and therefore no additional language test is necessary at this time. The Council will offer applicants struggling to comprehend written English or write the answers in English, along with those who may have other difficulties, such as dyslexia, the opportunity to sit a verbal test. All officers and members receive equality and diversity training and offer applicants additional help in understanding the test process. If a driver is not able to satisfactorily complete the topographical and other tests due to difficulties with spoken English, they may be required to take language instruction as a pre-requisite to re-sitting these tests.

4.5.5 Test failure and re-sits. Applicants can re-sit the tests 3 times before the Authority considers his/her application void. Help will be provided to persons requesting it, in the form of an officer reading the questions or clarifying matters to the applicant. Each retest will incur a fee.

4.6 English assessment

Applicants must have a reasonably adequate standard of spoken English to be a Hackney Carriage or Private Hire driver. This will be assessed throughout the application process and during the knowledge test.

4.7 Disclosure and Barring Service (DBS) check

4.7.1 A DBS check on a driver is an essential measure in determining whether an applicant is a suitable person to hold a licence. An enhanced disclosure with barred list check provided by the Disclosure and Barring Service is required for all applicants. Enhanced disclosures include details of spent convictions, police cautions and other information. [These checks will be required every six months in line with the DFT ‘Statutory Taxi and PHV Standards 2020.](#)

4.7.2 The Rehabilitation of Offenders Act 1974 **does not apply** to applicants for drivers licences. They are required to disclose all convictions, including those that would normally be regarded as spent.

4.7.3 DBS checks are carried out at the applicant’s expense.

4.7.4 [As part of our policy, we will require licensed drivers to maintain an online certificate through the DBS update service. This is available at \[www.gov.uk/dbs-update-service\]\(http://www.gov.uk/dbs-update-service\) and enable the Council to access this certificate on renewal or at other times as reasonably necessary. Drivers must pay an annual fee to the DBS for the on-line update facility.](#)

4.7.5 The advantage of the online update service is:

- Drivers maintaining an up to date online certificate will not need to apply for and submit a paper DBS certificate when renewing their licence. (providing that the information on the online DBS is up to date) This will result in a quicker process.
- The Online Certificate can be checked by the licensing authority at renewal and as required during the term of the licence.
- Maintaining an online certificate through annual subscription may cost the driver less than obtaining a paper certificate every 3 years.

4.7.6 Drivers who already hold a licence on the date that this policy comes into effect and have not already signed up to the update service, will be required to provide a paper DBS certificate at their next renewal then sign up to the online update service. Should the council have to undertake a manual Enhanced check via the DBS then a further administrative charge of £40 will apply.

4.7.7 If an applicant has within the last 10 YEARS lived outside the UK for a continuous period of 3 months or more, a certificate of good conduct from the relevant embassy or equivalent document, issued and authenticated by the relevant embassy will also be required. This must either be in English or translated by an approved translator at the applicant's expense.

4.7.8 If an officer has any doubt as to the validity, completeness or accuracy of the document, then an applicant may not proceed to the next step of process. The burden to establish validity lies with the applicant.

4.8 Medical Assessment

4.8.1 The DfT guidance states that it is clearly good practice for drivers to undergo medical checks prior to grant or renewal of a licence. The Group 2 Medical Standards adopted by the DVLA for lorry and bus drivers are considered best practice for Hackney Carriage and Private Hire Drivers.

4.8.2 All applicants must undergo a medical examination to assess their fitness to work as a Hackney Carriage / Private Hire Driver. A group 2 medical standard will be required. A request form will either be sent as part of an application pack or can be obtained from the Council. The assessment must be carried out either by the applicant's General Practitioner or by a suitably qualified GMB registered medical practitioner who has access to the applicant's medical records. The completed form must be submitted as part of the application.

4.8.3 The applicant is responsible for paying the fee for the assessment.

4.8.4 A medical assessment is required for all new driver applications. A new medical assessment is required every 6 years for drivers aged up to 45, every 3 years for drivers aged up to 65. Drivers aged 65 or over are required to undergo a medical assessment annually. More frequent checks will be required if considered necessary by the Medical Practitioner. Certificates provided must be less than 3 months old.

4.8.5 In order to streamline processes, it is intended that the submission of routine medical certificates is synchronised with, and part of, the licence renewal process, as far as possible. To facilitate this, drivers aged between 45 and 65 who hold a licence at the

time this policy comes into effect, must submit a new medical certificate at next renewal. However, if their last medical was carried out within 12 months of the renewal date, they will not need to submit a new routine medical until the following renewal.

4.8.6 The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 KG lorries as suggested best practice), This authority will also apply criteria based on the C1 standards to taxi and PHV drivers with insulin treated diabetes. These are set out in **Appendix I**

4.8.7 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities within 7 days. Licence holders may be required to undergo a further medical assessment to confirm their fitness to drive a licensed vehicle.

4.8.8 Should concerns arise regarding the health of a licensed driver, the council at any time may request further information or a further medical examination to be carried out and certificate submitted.

4.8.9 The council reserves the right to revoke or suspend a licence if requested information is not submitted within 4 weeks of the request and a satisfactory explanation is not given for the failure to provide such information or where the information provided raises further concerns as to the applicant's fitness to carry out his/her duties as a licensed driver.

4.9 Driving proficiency, qualifications and giving assistance

4.9.1 It is believed that a taxi test is the most appropriate method of testing competency for the drivers of Hackney Carriage and Private Hire Vehicles in the Council's area and we use the Blue Lamp Trust test for this purpose.

4.9.2 Similarly there are nationally recognised vocational qualifications for the Hackney Carriage and Private Hire trades. These cover customer care, including how best to meet the needs of people with disabilities and there may be advantages in encouraging drivers to obtain one of these qualifications in the future. The Council shall require training on Disability, Child Sex Exploitation and Safeguarding for all new drivers via a course approved by the council as identified in 4.10.

4.9.3 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a Hackney Carriage or Private Hire Vehicle driver's license must have held a full ordinary GB driving license for at least 12 months in order to be granted a Hackney Carriage/Private Hire Vehicle driver's license. This requirement has subsequently been amended by the Driving Licenses (Community Driving License) Regulations 1996 to allow full driving licenses issued by EEA states to count towards the qualification requirements for the grant of a Hackney Carriage/Private Hire Vehicle driver's license. The DfT takes the view that drivers from Accession States are eligible to acquire a Hackney Carriage/Private Hire driver's license under the 1976 Act if they have held an ordinary driving license for 12 months which was issued by an Accession State. In addition, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 gave equal recognition to Northern Ireland driving licenses.

4.9.4 It is possible to convert any existing driving license to a UK driving license, either by straight transfer or by undertaking an appropriate driving test.

4.9.5 Upon application, this Council requires ALL applicants to convert their existing driving license to a UK DVLA driver's license. Those applicants whose driving licenses were not issued by an EEA state, an Accession State or Northern Ireland will be required to hold the converted UK license for 12 months prior to being issued with a Hackney Carriage/Private Hire Vehicle driver's license. However, those who have held a driving license issued by an EEA state, an Accession state or Northern Ireland for 12 months will be eligible to apply immediately post conversion.

4.9.6 Before the grant or renewal of a driver's license, the applicant will be required to submit to a DVLA check. This brings to light any driving offences committed that may not appear on the license submitted.

4.10 Child Sexual Exploitation and Safeguarding Training

4.10.1 People working in the taxi trade may have a role to play in spotting and reporting the abuse, exploitation or neglect of children or vulnerable adults. However, this is only possible if they are aware of and alert to the signs of abuse and who they should contact if they suspect a child or vulnerable adult is at risk of harm or in immediate danger.

4.10.2 Therefore, the DfT expect local authorities to require Hackney Carriage and Private Hire drivers to undertake appropriate safeguarding awareness training.

4.10.3 New applicants for driver licences will be required to provide evidence that they have completed a safeguarding training course approved by HBC.

4.10.4 Existing licensed drivers will be required to undertake approved training within 8 months from the date that this policy comes into effect.

4.10.5 The council will look to promote awareness of safeguarding issues among all licence holders through other information and education campaigns.

4.10.6 All drivers will be required to undertake renewal training every 3 years.

4.11 Immigration Checks – Right to Work

4.11.1 The council has a duty to carry out immigration checks to ensure applicants have a right to work in the UK. A licence will not be granted unless sufficient proof of right to work in the UK has been provided. Licences will not be granted for a longer period than the applicant's right to work.

4.11.2 The Immigration Act does not permit the issue of licences to self-employed persons who are in the country on a student visa.

4.12 Convictions and Cautions

4.12.1 In assessing whether an applicant or licence holder is a fit and proper person, the council will consider convictions, cautions and other information that has been disclosed, so far as they are relevant to a licence.

4.12.2 The DfT Guidance recommends that in considering an individual's criminal record, authorities be encouraged to consider each case on its merits, but to take a particularly cautious view of any offences involving violence and especially sexual attack. Authorities are recommended to have a clear policy for the consideration of criminal records. For example, the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a license. Such a policy should encompass applicants from elsewhere in the EU and other overseas countries through, for example, by requiring a Certificate of Good Conduct authenticated by the relevant embassy.

4.12.3 In relation to the consideration of convictions, in assessing whether the applicant is a fit and proper person to hold a license, the Council will consider each case on its merits. It will take account of warnings, reprimands, CBOs, Cautions, Community Service Orders, Community Protection Notices, Restraining Orders and fixed penalties whether spent or unspent, but only in so far as they are relevant to an application for a license. Upon receipt of a license application, a Licensing Team Officer will assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a license. Full details are given at **Appendix F**.

4.12.4 In relation to cautions, the Council will have regard to the class and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application.

4.12.5 In relation to previous offences, the Council will have regard to the following:

- The class of the offences;
- The age of the offences;
- The apparent seriousness, as gauged by the penalty;
- The age of the applicant when the offence was committed.

4.12.6 Guidance in relation to specific offences is given in **Appendix F**. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

4.12.7 **Appendix F** sets out the council's policy on the relevance of convictions and Cautions.

4.13 Applications

4.13.1 The process for new applications and renewals is set out in **Appendix A**

4.13.2 Applications must be made with the appropriate fee, forms and supporting documents. Whilst reminders will be sent, it is the responsibility of the licence holder to ensure a renewal application is submitted in time, failure to do so may result in the lapse of the licence.

4.13.3 The Council is not permitted to attach conditions to a Hackney Carriage driver's licence. It is, however, empowered to attach such conditions to a Private Hire driver's licence as are considered necessary.

4.13.4 Dual licence holders are subject to the Council's byelaws (where not superseded) (see **Appendix D/K**) and the Dual driver's conditions.

4.13.5 It is considered that the conditions set out in **Appendix C** are reasonably necessary and appropriate for Private Hire drivers. The dress code for drivers is in **Appendix L**

4.14 Behaviour and conduct of drivers

4.14.1 Adopting necessary standards for Hackney Carriage and Private Hire drivers serves to promote the Council's licensing objectives.

4.14.2 The Council considers that to assist both drivers and the public, it would be useful to set down the standards which must be adopted in maintaining a safe, professional and efficient approach to the transport of members of the public. It is considered that drivers, must be aware of the law and minimum standards of behaviour, should adopt safe and non-aggressive driving techniques and set a good example to other road users. The standards expected of licensed drivers are set out throughout this policy along with details of the Hackney Carriage and Private Hire licensing enforcement policy included at **Appendix G**.

4.14.3 Failure to comply with any aspect of the Standards may not necessarily result in enforcement action. However, breach of the Code is an indicator which Council Officers will use to help decide upon subsequent enforcement action. This may result in advice or warnings being given by Council Officers or if necessary, by a Sub-Committee. Repeated breaches following such advice or warnings may lead to more serious consequences including if necessary, refusal to renew, suspension or revocation of licenses.

5 PRIVATE HIRE OPERATORS

5.1.1 Any person that takes bookings for Private Hire Vehicles in the Hastings Borough area must be licensed as a Private Hire Operator.

5.1.2 A Private Hire Vehicle may only be dispatched to a customer by a Private Hire operator who holds a Private Hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle

5.1.3 The objective in licensing Private Hire Operators is the safety of the public, who will be using operator's premises and vehicles and drivers arranged through them. The council must be satisfied that an applicant is a "fit and proper" person to hold a licence. They must be assured that they will pose no threat to the public and have no links to serious criminal activity.

5.1.4 Applications for operator's licences must be made online, together with the appropriate fee in accordance with the procedures within **Appendix A**.

5.1.5 Licences are normally issued for a period of 5 years. This is consistent with best practice guidance and is the maximum length of licence permitted. [Shorter licences may be issued in specific circumstances where the council considers this appropriate.](#) However, shorter licences will not be used on a "probationary" basis.

5.1.6 Fees for Private Hire operator licences are based on the number of vehicles operated. Applicants will be required to give details of the number of vehicles they intend to operate. Should an operator wish to increase the number of vehicles then they must notify the council in order that the licence can be amended. An additional fee may be charged to account for the increase in vehicles.

5.2 Disclosure and Barring Service (DBS) Checks

5.2.1 In order to help determine whether a person is a fit and proper person to hold a licence, the DfT Statutory Standards require Licensing Authorities to request a Basic DBS Check and that a check is undertaken annually. Private Hire Operators (that are not licensed drivers) are not exempt from the Rehabilitation of Offenders Act 1974. As such they will not be subject to an Enhanced DBS check. A Basic disclosure will be required.

5.2.2 Where an operator is a Ltd Company or partnership, a DBS will be required for each director / partner. If a partner / director changes during the term of the licence, the council must be notified. A Basic DBS for new directors/ partners will be required.

5.2.3 Where an individual has in the 10 years prior to the application, spent time overseas, a Certificate of Good Conduct will be required, as set out in Section 4.7.7 of this policy.

5.2.4 Basic DBS checks are not currently eligible for the update service. Operators will be required to submit a paper certificate annually and on renewal of a licence.

5.2.5 Operators that are also drivers licensed by this authority, will be required to provide an enhanced DBS as part of their drivers' application and maintain an online certificate through the update service. In such cases operators, will not be required to submit an additional basic DBS. However, should an operator cease to be a licensed driver, then a basic DBS will be required immediately.

5.2.6 Disclosure of convictions will be taken into consideration when determining whether an operator is a fit and proper person to hold a licence. This will include a review of existing licence holders, where DBS checks of directors/ partners or individuals discloses convictions that have not previously been considered. The convictions policy is set out in **Appendix F**. However, motoring offences will generally not be relevant to a Private Hire Operator.

5.2.7 The staff that operators employ may have direct contact with the public. Those dispatching vehicles will determine which driver to send to fulfil a booking. Therefore, they may be in a position to exploit children and vulnerable adults. The DfT statutory standards expect Private Hire Operators to be able to demonstrate that their staff present no risk to the public.

5.2.8 Operators will be required to keep a register of all staff they employ to take bookings or dispatch drivers. They must have sight of a Basic DBS for all such staff. A record of having carried out this check must be maintained. Operators licensed at the time this policy comes into effect will be required to have the register in place within 1 month of the date of the policy. The DBS checks on existing staff must be viewed and recorded within 6 months of the policy coming into effect.

5.2.9 Private Hire Operators will be required to have a documented policy setting out their approach to employment of staff with convictions. As a minimum, it is expected that booking / dispatch staff will have remained free of conviction for the time periods listed in Appendix F of this policy. Motoring convictions are not considered relevant. This will be required to be provided with all new applications, from the date this policy comes into effect. Licensed Operators will be required to supply a copy of the policy to the Council within 6 months of this policy coming into effect.

5.3 Address from which Operator based

5.3.1 The Operator's base must be located in the Hastings District, if it is not, the council will not grant a licence. This is to ensure that proper regulation and enforcement measures may be taken by the council and is in no way intended as a restraint of trade those based outside the Borough prior to this Policy coming into place continue to have grandfather rights to that agreement unless they let their existing operator's licence lapse).

5.3.2 It will be the responsibility of the operator to ensure that appropriate planning permission exists for the operational address to be used for that purpose, prior to starting operating. The grant of a Private Hire operator's licence does not override the need for planning permission, nor does it imply that such planning permission is or isn't required or likely to be granted, as such determination will be subject to the appropriate planning process. The Licensing Team may provide the Council's planning team with names and addresses of licensed operators. Applicants are advised to check with the planning team regarding the need for planning permission.

5.4 Insurance

5.4.1 The Council requires that an applicant must provide evidence that appropriate public liability insurance has been taken out for premises that are open to the public (e.g. waiting rooms) and will not issue a license until it is satisfied that this is the case.

5.5 Use of Vehicles and Drivers

5.5.1 As a result of the Deregulation Act 2015, Private Hire Operators are allowed to sub-contract work to other licensed Private Hire Operators who hold licences with a different Licensing Authority.

5.5.2 A Private Hire operator must ensure that every Private Hire Vehicle has a valid Private Hire Vehicle licence and is driven by a person who holds a Private Hire driver's licence.

5.5.3 Some Private Hire operators may use Passenger Carrying Vehicle (PCV) (vehicles with more than 8 seats, e.g. minibuses) to fulfil a booking. These vehicles and their drivers are covered by a different licensing regime. Drivers of PCVs are subject to different checks, as the work normally undertaken, e.g. driving a bus, does not present the same risk to passengers. Checks do not include an Enhanced DBS check.

5.5.4 This policy will therefore prohibit the use of PCV and Drivers by a licensed Private Hire operator unless it is necessary (due to the number of passengers or luggage requirements) and the informed consent of the booker is given. The customer booking

must be clear that a Passenger Carrying Vehicle (PCV) licensed driver will be used, and that they are subject to different checks, including less stringent criminal record checks.

5.6 Licence Conditions

5.6.1 Standard Conditions applied to Private Hire Operator Licences are given in **Appendix E**. Further conditions can be added to a licence where considered appropriate.

5.7 Proof of right to work in the U.K.

5.7.1 Whilst not being the employer of Private Hire Operators, the DfT considers it appropriate for licensing authorities to check on an applicant's right to work before granting an Operator's License. The Council agrees that this is not only good practice but helps protect the income of those currently licensed who do have the right to work. All applicants will be required prior to the grant of the licence to demonstrate their right to work in the UK and details are contained in **Appendix A**.

5.8 Conditions

The Authority has the power to impose such conditions on an operator's license as it considers reasonably necessary.

5.9 Record keeping

5.9.1 Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires Private Hire Vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator.

Licensing authorities should as a minimum require Private Hire Vehicle operators to record the following information for each booking:

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

5.9.2 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months. Private Hire Vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

5.9.3 Operators must keep records in respect of all booking, vehicles and drivers, for a minimum period of six months.

5.10 Sub-contracting of Private Hire Bookings

5.10.1 A licensed operator may sub contract a booking to another licensed operator, whether in the same district or not. Both operators must be licensed within the area in which their operating base is located and should record details of the booking.

5.10.2 The initial booking must be taken within the area in which the operator is based and the sub contracted booking must be taken within the area in which the sub contracted operator is based.

5.11 Consideration of applications

The Council will consider all applications on their own merits once it is satisfied that the application is complete. Full details of how applications are considered can be seen at Appendix A.

5.12 Grant and renewal of licenses

5.12.1 The DfT considers that annual license renewal is not necessary or appropriate for Private Hire Operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). They recommend as good practice that an operator's license period of five years would be reasonable.

5.12.2 However, it is considered that five years is a long time in the context of the life of a business of this type. Therefore, Private Hire Operators Licenses will be granted for a one year period from the date of grant or the full 5 years if requested, subject to the power to grant a license for a shorter period should this be appropriate in the circumstances.

5.12.3 Council Officers will endeavour to send a reminder letter to the current operator, one month before their existing license expires in order to assist applicants in their prompt submission of renewal applications. However, the Council is not obliged to do this and the responsibility of ensuring licenses do not expire remains with the license holder.

5.12.4 Applicants for renewal of a Private Hire Operators license are required to provide a current (less than one month old) Basic DBS Disclosure to the Council every year. Council Officers will endeavour to send a reminder letter for a DBS Disclosure one month before the expiry of the current certificate.

5.12.5 From the date of receipt of a satisfactory and complete Private Hire operator license application, a minimum of five working days is required before the appropriate license can be issued. Failure to apply in time may result in the license expiring and therefore a new license must be applied for and all criteria for the grant of a new license met.

5.12.6 Council Officers will only accept complete applications comprising all the necessary paperwork. Incomplete or missing documentation will result in the application being put on hold. If an application is received late, the license may expire before a new

one can be issued, resulting in it being illegal to operate as no Operator's license would be in force.

5.13 Change of details

The operator must notify the Council in writing of any change of his/her address, or email address (whether this is a home address or the address from where he/she operates) or change of telephone number/email during the period of the license, immediately after or preferably before the change takes place.

6 FEES

6.1 General

6.1.1 Applicants must pay the fees for their application as set out in the policy. Applications will not be progressed until the appropriate fee has been paid.

6.1.2 A schedule of fees is available on the council's website. The schedule is reviewed each year as part of the budget process. Fees reflect the cost of the administrative costs of the licensing regime, processing applications, compliance and enforcement of licenced drivers and vehicles etc.

6.1.3 This policy does not deal with the fee setting process.

6.2 Refunds

6.2.1 There is no statutory requirement to issue refunds following surrender of a licence. Historically, the council has received requests for refunds for licences that have been surrendered, for example, due to ill health or the licence holder moving away from the area. These have and will continue to be considered, subject to the paragraphs below.

6.2.2 Licence holders should think carefully before surrendering a licence. If they decide to reapply in future, then their application will be considered as a new application and subject to the same conditions as for all new applicants (e.g. knowledge tests, driver assessments, for new drivers).

6.2.3 Refunds will not be issued for licences which have been revoked or surrendered following suspension.

7 FARES

7.1.1 The council has set Hackney Carriage fares (Tariff) for journeys within its District. This sets the maximum fare that can be charged by Hackney Carriage Drivers.

7.1.2 There is no provision to set fares for Private Hire Vehicles.

7.1.3 Current fare rates are shown on the council website. The council's official table of fares (tariff) must be displayed in Hackney Carriage Vehicles.

7.1.4 A taxi driver can charge more than the metered fare for journeys starting inside the licensing area and ending beyond the district **only if this is agreed in advance**. In the

case of a pre-booked journey starting outside the district, the price / estimate should be given on request to the passenger, and, if so, recorded.

7.1.5 The council will review fare rates from time to time as necessary or in response to a bona fide request that has the backing of the trade in general. Proposed changes will be introduced in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

8 DISCIPLINARY AND ENFORCEMENT MATTERS

8.1.1 The Council believes that well directed enforcement activity benefits not only the public but also the responsible people in the Hackney Carriage and PHV trades. Indeed, it could be argued that the safety of the public depends upon the licensing authority having an effective enforcement regime in place.

8.1.2 This includes actively seeking out those persons who are evading the licensing system, not just licensing those who come forward seeking appropriate licences. In carrying out these duties the Council will work closely with other agencies (such as the police), share intelligence and on occasions take part in multi-agency and cross border enforcement exercises.

8.1.3 To ensure best use of officer time, staff will carry out a range of licensed enforcement activities including checking other licensed activities for which the Council has responsibility. It is equally important that a degree of enforcement activity is directed at late night and weekend periods as these are identified as the periods of time when many problems occur.

8.1.4 Officers will often conduct spot checks, which can lead to the suspension or revocation of licences in specific circumstances. Sec 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that the Council can now suspend or revoke a Hackney Carriage or PHV driver's licence with immediate effect on safety grounds.

8.1.5 It should be stressed that this power can only be used where **safety** is the principle reason for suspending or revoking and where the risk justifies such an approach. It is anticipated that in the majority of cases drivers will continue to work pending a decision by the Environmental Health and Licensing Manager or the Sub Committee. This power will be used in one off cases and then only after consideration and agreement between the Environmental Health and Licensing Manager and the Council legal representative.

8.1.6 The Council will conduct all such enforcement in line with other policies and ensure that it is conducted in a consistent, proportionate and fair manner.

8.1.7 When carrying out enforcement duties, officers will at all times conduct themselves in a professional and courteous manner. The Council expects licensed operators/drivers to show the same respect to its staff. The Council will not tolerate abuse of its staff in any form and will take a strong line of action against any licensed operator/driver proved to have done so.

APPENDIX A – APPLICATION PROCEDURES

1. General Matters

- 1.1 Potential applicants are advised to check this policy so that they understand application requirements and conditions attached to licences. This will help minimise likelihood of a refused application and associated incurred costs.
- 1.2 The council operates a system of electronic applications, which enables a more efficient process.
- 1.3 We will endeavour to send reminders to licence holders when licences are due to be renewed. However, it is the responsibility of the applicant to ensure that their renewal application is submitted in time, correctly together with any required documentation. Failure to do so may result in a delay in processing an application. If the licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received. Failure to submit a renewal application in time, may result in the application being considered a “new application” and subject to the same requirements as for new applicants.
- 1.4 A serious view will be taken where applicants or licence holders are found to have knowingly or recklessly misled the council, lied or omitted information during the application process, particularly in relation to convictions and similar matters. Not only is it an offence, which may be subject to further action in accordance with the council’s enforcement policy, but in these circumstances, applicants may be referred to the Sub-committee for consideration as to whether they are a fit and proper person to hold a licence. Applications will normally be refused where an applicant has given false information or attempted to conceal / omit information during the application process.
- 1.5 Authorised officers will normally make decisions concerning the grant or refusal of an application, however, more contentious decisions may be referred to a sub-committee.
- 1.6 Once a full, correct application including required supporting documents has been submitted on line and a decision to grant a licence has been made (e.g. following sub-committee hearing, where necessary) we aim to issue the licence within 5 working days.
- 1.7 Where applications are refused, there is a right of appeal to Magistrates Court. Decisions to refuse applications and the reasons for doing so will be confirmed in writing together with details of rights to appeal.

2. Drivers

- 2.1 New applications for a dual licence (PHV/Hackney Carriage)
- 2.2 Drivers must have held a full UK or EU/EAA drivers licence continuously for at least 12 months immediately prior to making an application.

2.3 New drivers will be required to undertake a Driving Standards Assessment for Hackney Carriage/ Private Hire Drivers. Applicants are advised to undertake this test and obtain a pass certificate before making their full application. The test must have been taken within 12 months of the application.

2.4 New applicants will be required to pass the Council's knowledge test. Applicants shall book the test as part of the online application. If an applicant fails 3 consecutive tests it is considered that they are not ready to be licensed as a driver by this council. It would normally be expected that they wait a further 6 months before taking the test again, for them to spend further time developing their knowledge and skills. Further guidance on the knowledge test is available on the council website.

2.5 New Applicants will be required to have passed the safeguarding training courses approved by the council. All existing drivers will be required to pass a safeguarding test within 12 months of the testing for new drivers going live.

2.6 The following must be provided before a licence can be issued. Where original documents are provided these will be checked/ photocopied and returned to the applicant.

- **Fully Completed Driver Licence Online Application**
- **One passport size photo**
- **Application Fee**
- **A Full UK or EU/EAA Drivers Licence.** This must have been held continuously for at least 12 months immediately prior to the application.
- **DVLA Share your Driving Licence Information Code** that enables us to check your driving history.
- **A Pass Certificate for a council recognised Driving Standards Assessment for Hackney / Private Hire Drivers** (new drivers)
- **A pass certificate for an approved safeguarding training course.**
- **A Completed Group 2 Medical Certificate.** Confirming the applicant is fit to drive a Hackney Carriage/ Private Hire Vehicle. This must be carried out by your GP or a GMC registered practitioner who has access to your medical records. The Certificate must be not more than 3 months old.
- **An Enhanced Disclosure and Barring Service (DBS) certificate.** Certificates must be less than 3 months old at the date of application. (See 2.6 – 2.8).
- **New Applicants who have lived outside the UK for a continuous period of 3 months or more within the 10 years prior to the application must obtain a Certificate of Good Conduct from the relevant embassy.**
- **Suitable Identity documents providing Evidence of Right to Work in the UK.** Additional checks will be carried out if considered necessary under the Immigration Act.
- **Council's Knowledge test**

2.7 The application for a DBS certificate must be made.

In order for the DBS application to complete and proceed, applicants must pay the DBS fee and bring original form of ID to our offices for verification.

2.8 The DBS certificate will be sent to the applicant's home address. This must be provided to the council, as the council will not be sent a separate copy.

2.9 Drivers are required to sign up for and maintain a subscription with the online update service during the time that they are licensed and give the council ongoing permission to check the status of the certificate as necessary.

<https://secure.crbonline.gov.uk/crsc/subscriber>

Where an up to date online certificate is maintained, drivers will not need to submit a paper DBS certificate with their renewal application as the Council can check the online certificate.

2.10 The Council will check the status of a drivers DBS certificate as part of a renewal application. If a driver has failed to register for the update service, they will need to reapply for an Enhanced DBS Certificate and register for the update service.

2.11 If the status check shows the certificate as no longer current, then the applicant will need to apply for a new Enhanced DBS certificate as set out in 2.7- 2.9.

2.12 Where the DBS certificate contains disclosures, then a decision will be made as to whether the applicant is a fit and proper person to hold a licence. Appendix F outlines the Council policy on convictions and cautions.

2.13 Following a successful application a driver will be issued with a paper licence and a driver's badge. These remain the property of the council and must be returned on request following surrender, revocation or lapse of the licence.

Drivers Licence Renewal applications

2.14 A driver's licence will expire after three years from the date of issue / renewal. Licences may be issued for shorter periods under special circumstances.

2.15 A driver must make a renewal application at least 3 weeks before the current licence expires.

2.16 Failure to renew a licence, a DBS check, medical certificate or DVLA disclosure means that a driver is not entitled to drive until valid documentation has been produced to an officer. Driving otherwise than in accordance with the conditions of the licence and policy may result in a licence being suspended or revoked.

2.17 Existing drivers who have not submitted their renewal application online within 3 weeks following expiry of the licence, will be considered new applicants, and will be required to meet all the criteria for new driver.

3. PRIVATE HIRE OPERATOR APPLICATIONS

3.1 Applicants will need to submit the following

- **Fully completed online application**

- **Application fee**

- **Proof of Public Liability Insurance** (if the operating premises will be accessible to the public)

- **A Basic Disclosure Barring Service (DBS) check** for each person named on the application form. Procedures are as set out for drivers in 2.7 – 2.8. This does not apply to Persons who have provided an up to date Enhanced DBS certificate (within 3 months) or maintained an up to date online certificate accessible to HBC as part of a Drivers Licence application with this Authority.
- **New Applicants who have lived outside the UK for a continuous period of 3 months, within the 10 years prior to the application must obtain a Certificate of Good Conduct from the relevant embassy**

3.2 Where a DBS contains disclosures, then the suitability of the applicant to hold a licence will be considered. The Council Policy on convictions and cautions is set out in **Appendix F**.

3.3 Following successful application, licensed operators will be issued with a paper licence. This remains the property of the council and must be returned on request following surrender, revocation or otherwise lapse of the licence.

3.4 Renewal applications must be submitted within 1 month of expiry of the licence to allow enough time to process the application.

4 VEHICLE APPLICATIONS

4.1 Vehicles must meet the specifications set out in **Appendix C** of this policy. Applicants are therefore strongly advised to check these requirements and if necessary, discuss any queries with a licensing officer prior to purchasing a new vehicle or making an application.

4.2 The following must be provided before an application can be considered

- **Fully completed Online Application**
- **Application Fee**
- **Vehicle Registration Document (V5) issued by the DVLA** showing the applicant to be the registered keeper. If the vehicle has recently been purchased and the V5 is with DVLA, then other acceptable proof of ownership e.g. bill of sale, showing full buyer and seller details will be accepted, but the V5 will need to be supplied as soon as this is available.
- **Basic Disclosure & Barring Service (DBS) Check** for each person named on the application form (for Limited Companies and Partnerships a DBS Certificate is required for each partner and director). This does not apply to Persons who have provided an up to date Enhanced DBS certificate (within 3 months) or maintained an up to date online certificate accessible to HBC as part of a Drivers Licence application with this Authority. If an applicant already holds a current vehicle licence with this authority, then a DBS previously supplied will be acceptable provided it was dated within the last 12 months.

- **New Applicants who have lived outside the UK for a continuous period of 3 months, within the 10 years prior to the application must obtain a Certificate of Good Conduct from the relevant embassy**
- **Insurance Certificate or cover note confirming the Vehicle is covered for “Hire and Reward”.** If a cover note is provided, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note.
- **Individual Vehicle Approval (IVA) Certificate (Stretch limousines only)**

4.3 A Licensing Officer will arrange to inspect the vehicle at the council offices (or suitable venue) to confirm compliance with vehicle specifications.

4.4 Following a successful application, a paper licence and vehicle plates will be issued. The vehicle must not be used for hire and reward until the plates have been affixed to the vehicle (unless a plate exemption letter has been issued.) These must be returned on request following surrender, revocation, or lapse of the licence.

4.5 Renewal applications must be submitted 14 days prior to expiry of the licence to allow enough time for processing. Failure to do so may result in the existing licence expiring before a new licence is issued. The vehicle could not be used for hire or reward whilst it is unlicensed.

4.6 If a renewal application is made more than 1 month after expiry of the licence, the application will be treated as a new application and vehicles will be required to meet the specifications (including age requirements) for vehicles being licensed for the first time.

4.7 Any incomplete applications will be put on hold.

APPENDIX B - TRANSFER OF A LICENSED VEHICLE TO NEW PROPRIETOR

1.0 Where a licensed vehicle is transferred to a new proprietor, notice of transfer must be given within 14 days. It is necessary for a new licence to be obtained showing the new owner details.

1.1 The following must be submitted:

Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the proprietor of a licensed vehicle has the right to transfer ownership of that vehicle **WITH THE LICENSE ISSUED IN RESPECT OF IT** to another person. Notice of the transfer must be given to the Council within 14 days.

- **Fully completed Online Application**
- **Application Fee**
- **Vehicle Registration Document (V5) issued by the DVLA** showing the applicant (new proprietor) to be the registered keeper or other acceptable proof of ownership
- **Insurance Certificate or cover note confirming the Vehicle is covered for “Hire and Reward”.** If a cover note is provided, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note.

- **A Basic DBS certificate for the new proprietor (where the new proprietor is a Ltd Company or partnership, a certificate is required for each partner/director).** This does not apply to individuals that hold a drivers licence with HBC who have maintained a certificate through the DBS Update Service. If the new proprietor already holds a current vehicle licence with HBC, then DBS Certificates previously supplied, will be acceptable, provided they are dated within 12 months of the application.

Any incomplete applications will be put on hold.

If the application is complete and satisfactory, a license will be issued in the new proprietor's name with the same expiry date as previously.

APPENDIX C - HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SPECIFICATIONS AND CONDITIONS

1. Vehicle Age

1.1 The age of the vehicle is from the date of first registration with the DVLA.

1.2 The maximum age criteria for licensing of vehicles. No vehicle shall on first application for a licence be older than 4 years from the time of its first registration and on submission for renewal of a licence be more than seven years old since the time of first registration (10 years for purpose-built vehicles).

All vehicles over five years old shall be required to pass two MOT/inspections each year.

1.3 Licensing of a vehicle meeting the maximum age criteria is still subject to it having a valid inspection and being in good condition in all other respects as set out in this policy.

1.4 Vehicles in exceptional condition may be considered for licensing for a further year beyond maximum age subject to compliance with all other conditions of this policy.

1.5 A vehicle in exceptional condition is defined as follows:

- It is in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside, or bodywork.
- Full-service history is provided showing that the vehicle has been correctly and regularly serviced by a reputable garage in accordance with the manufacturer's service specifications.
- The exterior of the vehicle to be in near perfect condition with no dents, damage, or signs of corrosion.
- The paintwork to be in excellent condition and free from scratches and marks.
- The interior of the vehicle to be in near perfect condition. The upholstery, linings, seats, and floor to be perfectly clean with no holes, tears or signs of wearing.
- Extensions shall only be granted if the vehicle has undertaken 6 Monthly MOTs
- The boot or luggage compartment to be in good condition, clean and undamaged

- The decision of the Environmental Health and Licensing Manager shall be binding in relation to this condition.

1.6 A vehicle licence shall be taken as being a renewal, if there was in force a current licence previously issued by Hastings Borough Council, immediately prior to being relicensed.

1.7 If a vehicle is being repaired and work will not be completed prior to expiry of a licence, but relicensing is sought then a renewal application with fee must be submitted prior to expiry of the licence.

2. General Specifications

2.1 The vehicle must be an M1 category vehicle (i.e. designed to carry up to 8 passengers) and certified as meeting EC Whole Type Approval Standards.

2.2 Motorbikes, three-wheel motor vehicles and non-motorised vehicles will not be licensed.

2.3 Vehicles must not have been previously written off,

2.4 Vehicles must provide at least two doors for the use of persons conveyed in such a vehicle and a separate means of ingress and egress for the driver.

2.5 The vehicle must be of sufficient size to comfortably accommodate the number of passengers it will be licensed to carry. The minimum number of passengers to be carried is four. Vehicles with seating capacity for more than eight passengers will not be licensed.

2.6 The number of passengers for which a vehicle is licensed will be determined by the licensing authority and displayed on the licence plate.

2.7 The Council may licence vehicles with less than four seats

2.8 The vehicle must be Right Hand Drive.

2.9 There must be side access and egress to all seats without the need to climb over seats and /or luggage.

2.10 Windows and a means of opening and closing not less than one window on each side shall be provided.

2.11 All Hackney Carriages shall be Dark Blue in colour and display the Coat of Arms of Hastings on the bonnet as approved by the Council.

2.12 All Private Hire Vehicles shall be any colour other than Dark Blue.

2.13 All paintwork to be professionally finished and displayed in accordance with the manufacturers' specifications. Bare metal, primer paint, visible rust and perforations will not be permitted.

Specific conditions applicable to Hackney Carriages (Nos 49 upwards)

- New unregistered vehicles only.
- Purpose built taxi 8/7/5 seat with integral roof pod.
- Wheelchair accessible (side loading).
- Relevant Euro standard (currently Euro V engine (Hybrid or electric also acceptable))
- Fitted with hearing loop.
- Fitted with CCTV system installed by an approved company, with no access to the images by the driver, vehicle CCTV signs fitted to vehicle.
- Vehicle sprayed or wrapped in Dark Blue (Base Colour Code 8M4-KJD6B) with bonnet crest.

2.14 No decals, logos, advertisements or decorations may be displayed, except as approved in advance by Licensing Team Officers.

2.15 All trim, mirrors, aerials, bumpers and wheel trims to be complete, correctly aligned and undamaged.

2.16 All vehicles will be required to display information on how to make a complaint to the licensing authority. For vehicles holding a licence at the time this policy came into effect, information must be displayed within 3 months of this policy coming into effect.

3. Tyres

- All wheels should be free of material damage, matching in size and style and be within the manufacturer guidelines for the vehicle.
- Re-moulded or re-cut tyres must not be fitted to the vehicle and all tyres must be kept at the correct pressure.
- “Space Saver” tyres are acceptable on vehicles, if they conform to the Original Manufacturer’s Specifications.
- If a Space Saver tyre kit or repair kit is used, then it must only be used for the duration of the current fare and for returning the vehicle to a garage for repair. No further fares may be taken whilst the repair kit / space saver tyre is in use on the vehicle.

4. Tinted Windows

4.1 All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations. (75% light transmission windscreen, 70 % light transmission front passenger windows). However, in the interest of passenger safety, no windows shall be fitted with mirror / tint such that it restricts all view into the passenger compartment. Vehicles already licensed at the date when this policy came into effect will continue to be licensed until they are replaced. Replacement vehicles (permanent or temporary) must comply with this condition.

4.2 No vehicle shall be fitted with films to darken or tint the windows

4.3 Vehicles which are licensed at the time of this policy coming into effect, which due to design do not meet requirements of 4.1 will continue to be licensed. Replacement vehicles must comply with the policy.

5. Fire Extinguisher (Check with fire service)

5.1 A suitable Fire Extinguisher which conforms to British and European standards shall be provided and maintained in the vehicle at all times when it is in use or available for hire. The fire extinguisher will be visible and readily available for immediate use in an emergency

6. LPG conversions

6.1 An application for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certificate is required to ensure that the vehicle is considered safe by an approved inspector.

6.2 If the vehicle is powered by Liquid Petroleum Gas and the LPG fuel tank has been installed in the boot space there shall remain free an amount of space for the storage of a reasonable amount of luggage. Any spare wheel displaced because of the tank installation must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company may be permitted.

7. Modifications

7.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:

- compliance with road traffic legislation.
- compliance with insurance requirements; and
- obtaining approval for the changes(s) from the Council.

8. General Condition of Vehicle

8.1 The vehicle and its fittings must always when it is available for hire or being used as a licensed vehicle:

- be safe
- be tidy
- be clean
- comply with all relevant statutory requirements applicable to the class of vehicle to which the vehicle belongs including, but without prejudice to the generality of the foregoing the Motor Vehicles (Construction and Use) Regulations which currently apply.

8.2 The body shell including doors, panels, wings, bumpers, mirrors, front and rear lights and indicators, and interior floor covering to be in good condition, free from rust, holes, broken metal or any other visible damage.

8.3 All fittings and handles must be operational.

8.4 Windscreens and windows to be in good, clean condition and at all times meet the requirements of the MOT test standards.

8.5 Seats, upholstery, panelling, floor covering, and roof lining must be in good condition, clean and free from any tears, damage, grease, or any other contamination.

8.6 The boot must be carpeted or fitted with the manufacturer's boot covering and clean.

8.7 There shall be provided enough means by which any person in the vehicle may communicate with the driver.

8.8 The roof or covering to be kept watertight.

8.9 The seats shall be properly cushioned or covered.

8.10 The floor to be provided with a proper carpet, mat or other suitable covering.

8.11 The fittings and furniture are to be kept in clean condition, well maintained and in every way fit for public service.

8.12 The proprietor shall provide means for securing luggage if the carriage is so constructed as to carry luggage.

8.13 No Roof boxes or pods shall be attached to any licensed vehicle.

9. Smoking in Vehicles

9.1 Under the Health Act 2006 and associated Regulations, smoking inside licensed vehicles is always strictly prohibited, whether they are being used for hire or private use (Inc the use of 'E-cigarettes').

9.2 No smoking signs must be displayed in the vehicle as required by the Smoke Free (Signs) Regulations 2007.

9.3 The Smoke Free (Vehicle Operator and Penalty Notices) Regulations 2007 set out the persons who will have legal duties to cause any person who is smoking in a smoke free vehicle to stop smoking, namely:

- The Driver
- Any person with management responsibilities for the vehicle; and
- Any person in a vehicle who is responsible for order or safety in it.

9.4 Any licence holder committing an offence under the regulations may be subject to enforcement action as set out in this policy. (In addition to action taken under Health Act 2006 and associated Regulations).

10. Wheelchair Accessible Vehicles

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

- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- Ramps and other loading apparatus must always be maintained in good working order and be available for use.
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as to not obstruct any emergency exit.
- A suitable restraint must be available for the occupant of a wheelchair.
- Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant, and helper; and
- Ramps and lifts must be securely stored in the vehicle before it may move off.
- Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been examined by a qualified body in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307).

11. Insurance, MOT and Vehicle Excise (Road Tax)

11.1 A licensed vehicle must not be used as a Hackney Carriage or Private Hire Vehicle unless there is a current compliance certificate, valid insurance and current vehicle excise licence (road tax) in place.

12 Licence Plates

12.1 The proprietor must ensure that the licence plate provided and allocated to him for the vehicle is affixed to the outside of the vehicle, on or adjacent to the rear bumper or in such other position as may be approved by the Council.

12.2 Para 12.1 above does not apply to Vehicles granted plate exemption in accordance with Section 3.11 of this policy. The exemption disc must be displayed in the vehicle and be made immediately available on request. If the exemption disc is not displayed, then plates must be displayed.

12.3 The Council must be informed immediately should the licence plate be lost, broken or defaced. Proprietors will be liable for fees for replacement plates.

12.4 The licence plate must always be kept in a clean and legible condition.

12.5 The Proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material is illegible.

12.6 The licence plate remains the property of the Council and must be returned within seven days when:

- the vehicle ceases to be licensed as a Hackney Carriage or Private Hire Vehicle; or
- requested to do so by an Authorised Officer of the Council in writing when the plate is suspended, or revoked
- The plate has expired.

13. Signage

13.1 No vehicle will be accepted for licensing as a Private Hire Vehicle if its appearance is likely to create confusion in the minds of the travelling public that it may be a Hackney Carriage. For this reason, vehicles which are recognisable as purpose built "London Style" cabs or similar vehicles should be avoided by any operator intending to provide Private Hire services.

13.2 In all other respects, the vehicle and its fittings must be kept in a clean, unaltered and undamaged condition.

13.3 Hackney Carriages shall be fitted with an approved roof sign which: -

- Bears the word "TAXI" to the front.
- Have a minimum base size of 24ins (60cm).
- May display the proprietors name and telephone number on the rear.
- Is capable of being illuminated when the vehicle is plying for hire, such illumination to be extinguished when the taximeter operates
- Unless integral to the bodywork of the vehicle, shall be positioned in the centre of the roof

13.4 The signs must be plainly and distinctly visible.

14 Advertising & signs

14.1 External advertisements must be restricted to the name, logo or insignia, telephone number, or other contact details of the owner or operator of the vehicle. No other advertisement is permitted on the outside of the vehicle.

14.2 No advertisement shall obliterate, obscure or be confused with the vehicle's licence plate or side panels

14.3 No advertisement shall contain anything of a religious or political nature or contain any matter likely to cause offence.

14.4 The following signage is not considered advertising and is permitted:

- Any signs required by legislation or this policy (such as the complaints procedure).
- Signs indicating membership of a national motoring / breakdown organisation.
- Parking / taxi rank permits
- Signs on taximeters indicating the vehicle is for hire
- Council issued Tables of fares
- Signs indicating the vehicle is wheelchair accessible.
- The sign to be displayed only during the contract when pupils are on board.
- Signs indicating that CCTV Is fitted in the vehicle
- Signs on the windscreen or inside the vehicle indicating that payments may be made by credit / debit card.

14.5 Any sign and advertising permitted must be positioned so as not to impede visibility and in any event no sign shall be placed on the rear window of the vehicle.

14.6 Prior approval for other signs, or posters e.g. relating to public safety campaigns may be considered on a case by case basis by the Environmental Health and Licensing Manager.

14.7 Signs or advertisements must be removed from vehicles on request by a licensing officer, where they consider it contravenes this policy. Vehicles may be suspended until they have been removed.

14.8 Information on how to report a concern or make a complaint to the Council about a driver, vehicle or operator must be clearly displayed within the vehicle. This information and method of display shall be prescribed by the Council.

15 TAXIMETERS

15.1 Hackney Carriages

15.1 An EU approved taximeter must be fitted in all Hackney Carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.

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

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

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

15.5 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the drivers shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of Hackney Carriages.

15.6 In the event of such a journey commencing in but ending outside the Hastings District, the driver may charge for the journey such fare as was agreed before the hiring was effected. If no such agreement was made, then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of Hackney Carriages.

15.7 Private Hire Vehicles

15.7 A Private Hire Vehicle may also be fitted with a taximeter approved by the Council at the discretion of the proprietor. Such device shall: -

- (i) be of the clock calendar type and change according to the wording of the Council's current maximum fare tariff or a lower tariff.
- (ii) not be altered or tampered with except with the approval of the Council and must be retested by one of the Council's nominated testing stations if altered.
- (iii) Show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures.

15.8 Be kept securely fixed in such a position so that the fare recorded is always visible to all passengers within the vehicle and the figures shall be illuminated for this purpose whenever necessary.

16 Fare tables

16.1 A Hackney Carriage proprietor shall ensure that a copy of the current fare table supplied by the Council is on display inside the Hackney Carriage at all times and that the table is not concealed from view or rendered illegible when the vehicle is for hire.

16.2 If a taximeter is fitted within a Private Hire Vehicle, details of the tariff of fares to which it is calibrated shall be clearly on display within the vehicle.

17 No smoking signs

No smoking signs must be displayed in the vehicle as required by the Smoke Free (Signs) Regulations 2007.

18 Two-way radios

The proprietor shall ensure that any radio equipment fitted to the licensed vehicle is always kept in a safe and sound condition and maintained in proper working order.

19 Mobile telephones

Mobile telephones and similar devices may only be used with the vehicle is not in motion.

20 Production of documents, certificates etc

20.1 A proprietor must produce any document within seven days if requested to do so by any officer of the council. Failure to adhere to the request may result in suspension of the driver or vehicle licence until the requested document has been produced

21 Convictions / DBS checks

21.1 Vehicle Proprietors shall within 48 hours, notify the council in writing of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or as detailed in **APPENDIX F** and any motoring offence imposed on them (or if the proprietor is a limited company or partnership, on any of the directors or partners).

21.2 Vehicle proprietors must provide a Basic DBS check to the Licensing Authority every 12 months. This condition does not apply to individuals who hold a current drivers

licence with HBC and have maintained an online Certificate through the Update service. Proprietors will be required to provide a Basic DBS if they cease to be a licensed driver.

22 Change of Address / Directors

22.1 A proprietor must inform the council within 7 days of any change of address and /or email during the period of the licence.

22.2 Where the proprietor is a Limited Company or Partnership, the Council must be notified within 7 days of any change to Directors or partners.

23 Unauthorised use

23.1 The proprietor of a Hackney Carriage or Private Hire Vehicle shall not allow the vehicle to be driven by any person who does not hold an appropriate Hackney Carriage/Private Hire driver's licence issued by Hastings Borough Council.

24 Dual Plating

24.1 No vehicle will be granted a licence by Hastings Borough Council if it is licensed by another authority. This is because a vehicle may be subject to different requirements of two separate licensing authorities which may prevent effective enforcement. It will also cause confusion to members of the public.

25 Accidents and Damage Reporting

25.1 The proprietor of a Hackney Carriage or Private Hire Vehicle must report to the licensing authority as soon as reasonably practicable and in any case within 72 hours of the occurrence, any damage to such vehicle materially affecting the safety, performance or appearance of the vehicle or the comfort and convenience of passengers.

26 Temporary Replacement Vehicle

26.1 Any licensed vehicle suffering (major) accident damage or requiring mechanical repair may be replaced by a temporary vehicle provided:

- The accident damage has been reported by the licence holder in accordance with the requirements of these conditions, or the defect to the licensed vehicle has been similarly reported.
- An application is made by temporary vehicle supplier for a temporary plate/transfer and the appropriate fee paid.
- The replacement vehicle is properly taxed, insured and tested to the requirements of the normal licence vehicle.
- the replacement vehicle is of suitable size (like for like)
- the replacement vehicle meets specifications and conditions for new licensed vehicles set out within this policy

27 CCTV

27.1 Vehicle Proprietors must notify the Licensing Authority in writing if they have a CCTV system fitted. They must register with the ICO and obtain documented

evidence of that registration.

27.2 The installation and operation of the CCTV systems shall comply with the requirements of the Information Commissioner's CCTV Code of Practice. Following the installation of any CCTV installed into the vehicle it is incumbent upon the operator, proprietor, or driver to handle relevant data in an appropriate or secure manner.

27.3 The CCTV system shall comply with any legislative requirement as regards safety, technical acceptability, and operational/data integrity.

27.4 The CCTV will remain at all times the property of the proprietor of the vehicle who will be responsible for the maintenance of the system and will ensure that it is checked regularly and maintained in working order at all times. If at any time the CCTV systems is not working, it must be reported to an Authorised Officer of the Licensing authority within 72 hours.

27.5 The CCTV system must be capable of date, time and vehicle identification. It must be capable of capturing images during daytime and darkness of sufficient quality to enable the identification of any person travelling in the vehicle and be of such quality that it can be used for prosecution purposes, where necessary.

27.6 The positioning of the CCTV should be such that the hard disc or data card is not accessible to any passenger travelling in the vehicle. The equipment must be securely fixed such that it cannot be tampered with or damaged by any person travelling in the vehicle.

27.7 CCTV systems that can record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

27.8 All vehicles with a CCTV system shall display prominent notices, visible both outside and inside the vehicle, to inform passengers that a CCTV system is in operation.

27.9 An Authorised Officer or Police Officer may, on reasonable notice, examine any camera installation or any footage from the CCTV. The Council shall be permitted to access data where they have received a complaint involving the vehicle or its driver and the complaint cannot be fully investigated without access to the recording. The licence holder shall co-operate with any Police investigation where access to the CCTV footage may assist.

27.10 The CCTV system must be capable of recording and storing images for a minimum of 28 days.

28 Usage

28.1 The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal purpose.

APPENDIX D –DUAL DRIVER CONDITIONS (DRIVER CODE OF CONDUCT)

1. Appearance

1.1 The Driver shall be clean and tidy in appearance

1.2 The Driver shall always be dressed in a manner not to cause embarrassment to members of the public

1.3 The driver shall comply with the Dress Code set out in this policy.

2. Badges

2.1 The Driver shall always when operating wear, the badge provided by the council in such a position as to be plainly visible.

2.2 Drivers shall immediately report any lost, stolen or damaged badge. A fee is payable for replacement badges

2.3 The driver's identity badge must be produced on request by any authorised officer of the Council or any Police officer.

2.4 The driver shall not lend his badge or permit it to be worn by any other person.

2.5 All licences, badges and plates remain the property of the Council. They must be returned on request within 7 days if the licence expires and is not renewed, or where the licence is suspended or revoked.

3. Conduct

3.1 The Driver shall behave in a civil and orderly manner

3.2 The Driver shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

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

3.4 The Driver of a Private Hire Vehicle must not cause or permit the vehicle to stand on a public road, on a Hackney Carriage rank, or in a public place so as to suggest that it is plying for, or available for hire.

3.5 The Driver shall not by calling out or otherwise, importune any person to hire such a vehicle and shall not make use of the services of any other person for that purpose.

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

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

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

3.9 The driver shall report any accidents or incidents affecting the safety or physical appearance of the vehicle to the operator/proprietor of the vehicle immediately (or as soon as practicable) to ensure that the proprietor can fulfil their obligations to report the matter to the Authority within the required 72-hour period.

3.10 Any animal belonging to or in the possession of the driver must not be carried in any licensed vehicle when the vehicle is plying for hire, during a hiring or prior to any booking. Any animal belonging to or in the custody of any passenger may be conveyed in a licensed vehicle at the discretion of the driver (apart from where section 5 below applies). The animal must be carried in a suitable cage, or safely restrained on a lead, whilst in the vehicle.

4. Number of Passengers

4.1 The Driver shall not convey in the vehicle any greater number of persons than that specified on the plate affixed to the outside of the vehicle.

5. Carriage of Guide, Hearing or Other Assistance Dogs

5.1 Drivers must carry passengers with a guide, hearing, or other assistance dogs without additional charge.

5.2 When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

5.3 A driver, who for medical reasons, has been granted an exemption from carrying assistance dogs under Section (4.3.13) of this policy, must always display their exemption certificate in the vehicle when working.

5.4 Drivers must notify vehicle proprietors and operators if they have an exemption certificate

6 Wheelchair Accessible Vehicles

6.1 All drivers of wheelchair accessible vehicles must:

- Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
- Before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied.
- Ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers, or to anyone

else, in accordance with the regulations detailed in section 100 of the Road Vehicles (Constructions and Use) Regulations.

6.2 Drivers of designated wheelchair accessible vehicles must not refuse to take a passenger in wheelchair unless they hold an exemption certificate on medical grounds

6.3 Drivers must not charge extra for carrying passengers with wheelchairs (whether the passenger remains in the wheelchair). Fare meters must not be kept running whilst passengers with wheelchairs are being assisted into and out of the vehicle.

6.4 Exemption certificates issued under 4.3.11 of this policy must always be kept in the vehicle when the driver is working and produced on request. Drivers must notify vehicle proprietors and operators of exemptions.

7. Luggage

7.1 The Driver of a vehicle so constructed as to carry luggage shall, when requested by any person hiring the vehicle:

- Convey a reasonable quantity of luggage
- Afford reasonable assistance loading and unloading
- Afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which they may take up or set down such person.

8 Property Left in Vehicles

8.1 The proprietor or driver of a Private Hire Vehicle shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein.

8.2 The proprietor or driver of a Private Hire Vehicle 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:

- Report the finding or handing to him of property to a police station as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner.
- Online guidance is available via the Sussex Police website (see link below)
- [Sussex Police Lost property link](#)

9 Fares and Taximeters

9.1 The driver/operator of a Private Hire Vehicle may make their own agreement with the hirer as to the fare for a particular journey.

9.2 The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid. Each receipt should show the date of journey, driver badge number and amount paid.

9.3 The driver must not demand any fare more than that previously agreed between the hirer or operator, or if the vehicle is fitted with a taximeter, the fare shown on the face of the taximeter.

9.4 If the vehicle is fitted with a taximeter, the driver must:

- When standing, keep the flag or other device in such position in which no fare is recorded on the face of the taximeter.
- Unless prior agreement has been made with the hirer to engage by time, to bring the machinery of the taximeter into action by moving, the key, flag or other device and keep the machinery in action until the termination of the hiring.
- Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness – this being the time between half an hour after sunset to half an hour before sunrise, and also at any other time as requested by the hirer.
- Not tamper with or permit any person to tamper with any taximeter, its fittings, or seals.

9.5 In the event of a journey commencing in but ending outside the Hastings Borough Council District there may be charged, for the journey, such fare or rate (if any) as was agreed before the hiring was effected. If no such agreement was made, then the fare to be charged should be no greater than that determined by the taximeter.

10 Convictions

10.1 The driver must within 48 hours, notify the council in writing of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or as detailed in **APPENDIX F** and any motoring offence.

10.2 Drivers must supply DBS certificates and maintain an online certificate through the DBS update facility as set out in Section 2.7 of Appendix A of this policy.

11 Medical Examinations

11.1 All new applicants for a Private Hire drivers licence must have a medical examination to Group II standards as set out in this policy and produce the relevant medical certificate signed by a medical practitioner that the applicant is fit to drive a Private Hire Vehicle.

11.2 Further medical examinations to group II standards will be required at the following frequency.

- Up to 45 years of age – 6 yearly
- Between 45 and 65 years of age - 3 yearly
- Aged 65 years and over – annually

11.3 The driver of a Private Hire Vehicle must undergo a medical examination to group II standards at other times where reasonably required by the Council.

11.4 The driver shall disclose to the Council in writing, within five days, details of any serious illness or injury that may impair their ability to drive or affect the safety of passengers (for example, head injury, heart attack, stroke, broken limbs, diabetes)

12. Miscellaneous

12.1 The driver must notify the Authority, within 14 days of starting or terminating employment, as to the name and address of the operator and/or proprietor concerned, and the date when the employment either started or ended.

12.2 A copy of the Private Hire driver's licence must be presented to the proprietor/operator at the beginning of an employment.

12.3 The driver shall notify the Council in writing of any change of address within 14 days.

12.4 The driver must produce his DVLA driving licence to the Council within seven days of a written request for production being made.

12.5 The Private Hire driver's licence must be made available for inspection, upon request, by any authorised officer of the Council or any police officer.

12.6 Where a customer has, during the course of a hiring, cause to make a complaint, the driver must give enough information to enable him to identify the driver (badge number), vehicle details including the plate and/or registration number in the event that it is their wish to report the matter to the Council.

12.7 The Driver must ensure that information for customers concerning how to make a complaint to the Council is clearly displayed within the vehicle.

APPENDIX E - PRIVATE HIRE OPERATOR CONDITIONS

1. Standards of Service

1.1 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose, shall in particular:

1.2 Ensure that when a Private Hire Vehicle has been hired that the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause.

1.3 Keep clean, adequately heated, ventilated, and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

1.4 Ensure that any waiting area has adequate seating facilities

1.5 The proprietor of a Private Hire Business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the word "Taxi" or "Cab" whether in the singular or plural, or any word of similar meaning or appearance to either of those words , whether alone or as part of another word.

2. Bookings and Booking/ Dispatch Staff.

2.1 Pursuant to s56 Local Government (Miscellaneous Provisions) Act 1976, The operator shall keep a record in a suitable book, folder or electronic log of , particulars for every booking of a Private Hire Vehicle invited or accepted by him, whether direct from the hirer or by undertaking bookings at the request of another operator.

2.2 Records must be made prior to the commencement of the journey and as a minimum, must include:

- The time and the date of the booking
- The name and contact details of the hirer
- The time, date, and place of pick up
- The destination
- The Name and licence number of the Driver
- The vehicle registration number or plate number of the vehicle
- Name of any individual that responded to the request
- Name of the individual that dispatched the vehicle
- The fare (if this was agreed at the time of booking.)

2.3 The operator shall keep the above records for a period of not less than 6 months following the date of entry

2.4 The operator shall have sight of a Basic DBS check for all individuals that take bookings and / or dispatch vehicles. For new staff, this check should be done before they take bookings or dispatch vehicles. Where an individual leaves the employment of an operator but returns at a later date, a new DBS must be requested and checked.

2.5 The operator shall put in place a documented policy concerning its approach to employment of staff with convictions. Such a policy shall ensure that staff do not present a risk to the public. Operators must provide their policy on employing ex-offenders in roles that would be on the live register

2.6 Operators must ensure that any operator to whom they subcontract bookings, has equivalent arrangements in place for checking DBS of individuals taking bookings or dispatching vehicles and employment of staff with convictions

2.7 The operator shall maintain a register of all individuals who take bookings and/or dispatch vehicles. This must include:

- Name and address
- Start / end date of employment.
- Date DBS Certificate checked and by who.

2.8 The above records for individuals must be retained for 12 months from the date that the individual left employment of the operator.

2.9 Records shall be produced on request by a licensing officer or police officer.

2.10 The Operator shall produce their licence on request to any licensing officer or police officer.

2.11 Operators must not dispatch Public Carrying Vehicle (PCV) drivers or Passenger carrying vehicle (PCV) without the informed consent of the person making the booking. The Operator must inform the Person making the booking that PCV drivers are subject to a different licensing system to Taxi / Private Hire Vehicle Drivers, and this does not include Enhanced DBS Checks.

3. Drivers and Vehicles

3.1 Operators must ensure that only drivers with a valid dual licence and vehicles with a valid Private Hire Vehicle licence are utilised. Both Licences must be issued by Hastings Borough Council.

3.2 The operator shall keep a copy of licences issued by the Authority, for Private Hire Vehicles it operates.

3.3 The operator shall keep a copy of licences issued by the Authority, for drivers it operates.

3.4 The operator shall keep records of the following: -

- Driver calls signs
- Date of when a new driver begins service; and
- Date when a driver ceases service.

3.5 These records must be made available to a licensing officer or police officer on request.

4 Convictions / DBS checks

4.1.1 The operator shall within 48 hours notify the council in writing, of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or as detailed in **APPENDIX F** and any motoring offence imposed on him, (or if the operator is a company or partnership, on any of the directors or partners).

4.1.2 Operators must provide a Basic DBS Certificate to the licensing team every 12 months. This will not apply to individuals who hold a current driver's licence with HBC and have maintained an online certificate through the DBS update service. Should an individual cease to be a licensed driver, a Basic DBS must be provided immediately.

5 Complaints

5.1.1 The Operator shall maintain a record of complaints concerning the condition / cleanliness of a vehicle or any complaint concerning a driver. These records shall be maintained for 6 months and be available to a licensing officer on request. Operators shall immediately upon receipt notify the council in writing of any complaints leading to the suspension or termination of a contract with a driver.

5.1.2 Operators with premises accessed by the public shall display information about how they can contact the Council to make a complaint about a vehicle, driver, or operator.

6 Change of Address / Directors

6.1 The operator shall notify the council in writing of any change of his address including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence, within seven days of such change taking place.

6.2 Where the operator is a Limited Company or Partnership, it must immediately notify the council where the partner or directors change.

APPENDIX F – RELEVANCE OF CONVICTIONS AND CAUTIONS

1. General

1.1 The purpose of this policy is to set out the Council's approach to convictions and cautions when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a driver, vehicle or operator licence.

1.2 The Institute of Licensing publication "Guidance on determining the suitability of applicants and licensees in the hackney and Private Hire trades" (2018) and DfT Statutory Standards have been taken into account in preparation of this policy and will be taken into consideration when making decisions.

1.3 The existence of this policy aims to promote a transparent and consistent approach that is clear to applicants and decision makers. Notwithstanding the existence of this policy, each application will be determined on its own merits. Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons will be given for doing so

1.4 The leading case as to whether a person is a 'fit and proper person' is: *McCool v Rushcliffe Borough Council* [1998] EWHC Admin 695
The test sets out the requirement to ensure, so far as possible, that those licensed to drive taxis or PHVs are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers.
In layman's terms the question to ask is "Would you let this person drive your daughter, son, mother etc. alone in a car?"

1.5 Whilst vehicle proprietors may have no direct contact with passengers, they are entrusted with ensuring suitability of vehicles and that they are driven by licensed drivers. This policy is therefore still applicable.

1.6 The safeguarding of the public is paramount. Decisions on the suitability of an applicant or licence holder must be made on the balance of probabilities. An applicant or licence holder should not be given the benefit of the doubt. If an Officer or Committee is 50/50 as to whether a person is "fit and proper" they should not hold a licence.

1.7 Hackney Carriage and Private Hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions. Any and all convictions, so far as they are relevant can be taken into account in determining whether an individual is a fit and proper person to hold a Hackney Carriage or Private Hire drivers licence.

1.8 Some individuals may hold (or apply for) a combination of driver, vehicle and / or Private Hire operator licences. In these circumstances, their suitability to hold each type of licence should be considered separately. For example, the refusal to licence an individual as a driver or to suspend or revoke a drivers licence does not automatically mean that they cannot be granted or continue to hold a vehicle or Private Hire operator licence. In addition, Only the information relevant to that licence should be considered. For example, when considering a vehicle licence, not all information on an Enhanced

DBS can be considered - only information that would be available on a Basic DBS. I.e. that which they were required to supply as part of that licence process.

1.9 The onus is on the applicant or licence holder to demonstrate that they meet this requirement; not on the council to demonstrate that the applicant does not.

1.10 Applicants and licence holders should note that offences are not considered less serious just because they were committed when they were not driving a taxi or working in their capacity as a licensed driver or operator

1.11 If a new applicant has been charged with an offence, which if they were convicted of would normally lead to refusal of a licence, a decision will be deferred until proceedings have been completed or the charges withdrawn.

1.12 If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the council that they did not commit the offence. If they seek to do so, their representation will not be considered, as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.

1.13 In all but the most serious cases, the disclosure of cautions, convictions or other information will not permanently debar individuals from gaining a licence. The council will however require applicants with a criminal record to remain free of conviction for an appropriate period and show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

1.14 In the sections that follow, guidance is given following the disclosure of various convictions, in terms of if and when a person with such convictions may be eligible for a licence. Compliance with the guidelines does not guarantee that a licence will be granted, particularly when there are aggravating factors, such as multiple offences.

1.15 In making its decision the Council will consider, amongst other matters, the nature/class of any offence, how long ago it occurred and the applicants' age at that time, the apparent seriousness as gauged by the penalty imposed, and any other factors which the Council may consider to be relevant.

1.16 Motoring offences will generally not be considered relevant for Private Hire Operators.

1.17 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

1.18 As well as convictions, this policy will consider other issues or intelligence received from other agencies which may be relevant to the "fit and proper" person test.

1.19 In considering whether or not a person is fit and proper the council may also consider such matters as an applicant's history as a licence holder not only with HBC but with other licensing authorities; their complaint and compliance history, their co-

operation with and attitude towards Licensing Officer's requests, and any other reasonable matters.

1.20 Any existing licence holder convicted of an offence during the period of their current licence will be subject to this policy relating to the relevance of convictions. In circumstances where a new applicant would normally have their application refused, an existing licence holder would normally have their licence revoked.

1.21 If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, the application may be referred to the Environment and Safety Committee for determination.

1.22 A serious view will be taken where applicants or licence holders are found to have intentionally misled the council, lied, or withheld information during the application process, particularly in relation to convictions and similar matters. In these circumstances, they may be referred to the licensing sub-committee for consideration as to whether they are a fit and proper person to hold a licence. Applications will normally be refused where an applicant has sought to conceal information during the application process.

1.23 For the purposes of this Guidance, the acceptance of a Caution or Fixed Penalty Notice will be treated in the same way as a conviction. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. Any reference to a period free from conviction etc relates to the period commencing from either where a custodial sentence has been imposed from the end of the custodial period or in any other case from the date of conviction etc.

1.24 Existing licence holders should be aware that if the Council receives notification from the Police that they are being investigated for an offence that would preclude the grant of a licence their licence will be revoked with immediate effect. If no charges are laid against the licence holder, the licence will ordinarily be reinstated for its original duration. In the event that the licence holder is found not guilty, the licence will ordinarily be reinstated for its original duration, save for any previous or ongoing concerns relating to the licence holder's ability to meet the 'fit and proper' test.

2. Crimes Resulting in Death

2.1 Where an applicant or licence holder has been convicted of a crime resulting in death of another person or was intended to cause the death or serious injury of another person, they will not be licensed.

3. Offences involving violence

3.1 A licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

4. Exploitation

4.1 Where an applicant or licence holder has been convicted of a crime involving or related to abuse or exploitation, regardless of whether the victims were adults or

children, they will not be licensed. This includes, but is not limited to, slavery, child sexual exploitation, grooming, and psychological, emotional, or financial abuse.

5 Possession of a Weapon

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

6 Sexual or Indecency Offences

6.1 Drivers often carry unaccompanied passengers, children, and other vulnerable persons. Operators may have contact with passengers and will decide which drivers to dispatch to bookings. For this reason, an extremely serious view is taken regarding sexual offences. Applicants and licence holders with convictions involving or connected with illegal sexual activity or indecency will not be licensed.

6.2 Individuals on the sex offenders register or any “barred” list will not be licensed.

7. Dishonesty

7.1 Licence holders are expected to be trustworthy. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

7.2 Members of the public entrust themselves to the care of drivers for their own safety and for fair dealing. Drivers may be entrusted with delivering unaccompanied property and may also recover lost property from their vehicles. In certain situations, drivers and operators may know that a property is empty whilst occupants are on holiday following a booking to take them to the airport.

7.3 For this reason, a serious view is taken of any convictions relating to dishonesty. Where an applicant or licence holder has a conviction for any offence of dishonesty they will not be licensed until 7 years has elapsed since the completion of any sentence imposed.

8 Drugs

8.1 Where an applicant or licence holder has a conviction related to the supply of drugs or possession with intent to supply, they will not be licensed until at least 10 years has elapsed since the completion of any sentence.

8.2 Where an applicant has a conviction for an offence related to the possession of drugs, they will not be licensed until at least 7 years have elapsed since the completion of any sentence imposed. An applicant may be required to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

9 Discrimination

9.1 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 has elapsed since the completion of any sentence imposed.

10. Drunkenness (not in a motor vehicle)

10.1 An isolated conviction for drunkenness shall not prevent an applicant from gaining a licence.

10.2 A number of convictions for drunkenness could indicate a medical problem necessitating critical examination. If the applicant is found to be an alcoholic / alcohol dependent, a period of five years should elapse after treatment is complete before a further licence application is considered.

11 Drink Driving / Driving under the influence of drugs

11.1 A serious view will be taken of convictions of driving or being in charge of a vehicle whilst under the influence of alcohol or drugs.

11.2 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, whichever is the later. An applicant may be required to undergo testing at their own expense to demonstrate that they are not using controlled drugs.

12. Driving whilst using a hand-held phone or other hand-held device

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

13. Other Motoring Offences

13.1 Major traffic offences involving death, driving under the influence of alcohol or drugs or whilst using a phone are dealt with in preceding sections. Other major traffic offences are those involving injury to another person or property (including vehicles), driving whilst disqualified and driving without insurance (or other insurance related offences). Applicants with convictions for major traffic offences will not be licensed until at least 7 years has elapsed since the completion of any sentence or driving ban imposed, whichever is the later.

13.2 Minor Traffic Offences are those not dealt with in the sections above. A single minor traffic offence would not normally prevent a licence being granted or lead to a licence being revoked. Subsequent convictions may indicate that a person does not take their professional responsibilities seriously and may not be a safe and suitable person to hold a licence.

13.3 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 a period of 5 years has elapsed since the completion of any sentence imposed.

14 Hackney Carriage and Private Hire Offences

14.1 One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason, a serious view is taken of convictions for offences relating to Hackney Carriage and Private Hire activity (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

14.2 Where an applicant has been convicted of any offence concerned with or connected to Hackney Carriage or Private Hire activity, a licence will not be granted until a period of at least 7 years has elapsed following completion of any sentence imposed

APPENDIX G - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ENFORCEMENT POLICY

1. Purpose of This Policy

1.1 Well directed enforcement activity benefits not only the public but responsible members of the Hackney Carriage and Private Hire Trade

1.2 The Council has a responsibility to ensure that all licensed drivers, owners and operators of vehicles adhere to basic minimum standards. These standards are set out in legislation, byelaws and the Council's Hackney Carriage and Private Hire licensing Policy

1.3 The purpose of this policy is to help ensure that enforcement action is fair, proportionate, consistent, and in accordance with the principles of the Regulator's Code.

1.4 Authorised officers will follow this policy when making enforcement decisions. Departures from this policy will be exceptions and must be justified.

2. General Approach to Enforcement

2.1 Enforcement decisions will primarily be based on the seriousness of the breach and the possible consequences arising from that breach. Enforcement therefore will not constitute a punitive response to a minor technical contravention of legislation.

2.2 When taking enforcement decisions, the following factors will be considered

- The seriousness of the breach
- Driver or operator's history
- The effectiveness of the enforcement action
- Danger to the public

3. Enforcement Options

3.1 Having considered all relevant information and evidence, the choices for action available to a licensing authority are: -

- take no action.
- take informal action.
- issue penalty points (see **Appendix J**)
- use statutory notices.

- suspend a licence.
- revoke a licence.
- use simple cautions.
- prosecute
- other action as deemed necessary, e.g. completion of a driving assessment.
- a combination of any of the above.

4. Appearance before an Environment & Safety Committee.

4.1 Authorised Officers have delegation to make decisions concerning grant and renewal of licences and enforcement decisions concerning convictions, allegations or breaches of relevant legislation and policy concerning existing licence holders,

4.2 Referrals - Whilst the day to day enforcement of licensing is a function carried out by Authorised Officers serious or repeated disciplinary matters will be referred to the Environmental Health and Licensing Manager in the first instance and at his discretion to the Environment and Safety Committee Therefore, any reference to Environmental Health and Licensing Manager in this part also means Environment & Safety Committee.

4.3 The Environmental Health and Licensing Manager will consider the impact of transgressions on the fitness of an individual to hold a licence and take appropriate action.

4.4 Where the Environmental Health and Licensing Manager (or their nominated representative) is considering disciplinary and/or enforcement action against a licence holder, the licence holder will be entitled to attend a meeting with them to answer allegations and/or provide any mitigating circumstances, if they wish to do so.

4.5 Prior to attending the meeting, an Authorised Officer will provide a written report containing all the information necessary to understand the allegation(s), the relevant sections of this Policy, the options available and any other relevant information. The report will be provided to the licence holder at least five working days prior to the meeting.

4.6 Following such a meeting or when the licence holder does not require such a meeting the Licensing Manager may decide to take one or more of the following actions detailed in 4.8 below.

4.7 A Licence Holder may be asked to appear before a Subcommittee following report of a conviction, breaches of relevant legislation or conditions attached to licences or a contravention of this policy or accumulation of penalty points.

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

- no action.
- a written warning.
- require the production of driving licences or other specified documentation at the Council's Office.
- suspend a licence (with immediate effect or after 21 days' notice).
- revoke a licence (with immediate effect or after 21 days' notice).
- refuse to renew a licence
- recommend prosecution action

- other appropriate action as deemed necessary
- a combination of the above

5. Take No Action

5.1 No action would be taken if there is no evidence of breach of policy or legislation.

6. Informal Action

6.1 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.

6.2 Such informal enforcement action may be appropriate in any of the following circumstances:

- The nature of the breach is not serious enough to warrant more formal action
- From the individual driver or operator's history it can be reasonably expected that informal action will achieve compliance
- Confidence in the operator's management is high
- The consequences of non-compliance will not pose a significant risk to the safety of the public

7. Penalty Points

7.1 This Authority has a penalty point scheme which is set out in **Appendix J**

7.2 Licence Holders found to be in breach of licence conditions, this policy or legislation are likely to be issued with penalty points for the transgression. Licence Holders accumulating 12 points during a rolling 12-month period can expect to have their licence reviewed by a sub-committee (without prejudice to other enforcement options)

8. Statutory Notices (S68 Local Government Miscellaneous Provisions Act 1974)

8.1 An authorised officer may serve written notice for a Hackney Carriage or Private Hire Vehicle or the taximeter affixed to such vehicle to be presented for inspection and/or testing at any garage or by an authorised officer at a time specified in the notice. This notice may be used where there are concerns regarding the fitness of the vehicle or reasonable grounds to suspect the accuracy of the taximeter. Case Law confirms that fitness of the vehicle may include non-compliance with policy requirements, not just mechanical condition/ roadworthiness. This may include for example, where evidence has not been provided that the vehicle has suitable insurance cover.

8.2 Under this section, an authorised officer may, in addition to requiring the vehicle to be tested, immediately suspend the vehicle licence until such time as he is satisfied with the condition of the Hackney Carriage or Private Hire Vehicle. This action will only be taken when he has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passenger and/or other road users.

8.3 If the Authorised Officer who issued notice is not satisfied that the appropriate action has been taken to withdraw the notice within a period of two months from the date of issue, the vehicle licence shall be deemed to be revoked.

9 Suspension / Revocation of Licences

9.1 Where a licence is suspended or revoked. The licence holder will be notified in writing, with the reasons for doing so, within 14 days of the decision to suspend/revoke being made.

9.2 Vehicle Licences

9.2.1 In addition to section above, S60 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to suspend or revoke a vehicle licence on the following grounds:

- the Hackney Carriage or Private Hire Vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle.
- any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part II of the Act by the operator or driver
- any other reasonable cause.

9.2.2 Suspensions and revocations under this section come into effect 21 days from the date of the notice or until any appeal has been determined.

9.3 Operator Licences

9.3.1 S62 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to suspend or revoke an operator's licence on the following grounds:

- any offence under, or non-compliance with, the provisions of this Part of this Act;
- any conduct on the part of the operator which appears to the borough council to render him unfit to hold an operator's licence.
- any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty
- any other reasonable cause.

9.4 Drivers' licences

9.4.1 S61 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to suspend or revoke a driver's licence if:

he has since the grant of the licence—

- been convicted of an offence involving dishonesty, indecency or violence
- been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act.
- been convicted of an immigration offence or required to pay an immigration penalty

or any other reasonable cause.

9.4.2 Suspensions and revocations under this section will normally take effect after 21 days from the date of the notice or after any appeal has been determined.

9.5 Immediate Suspension/ revocation of Driver Licenses

9.5.1 A council may suspend or revoke a driver's licence with immediate effect, where this is in the interest of public safety. Immediate suspensions continue to remain in force whilst any appeal against the suspension is heard.

9.5.2 Immediate suspensions therefore give additional protection to the public but may have an impact on the livelihood of the licence holder. Decisions to impose immediate suspensions or revocations must therefore not be taken lightly. However, a licence should be immediately suspended or revoked where this is appropriate. There should be a connection between the incident and the safety of the travelling public.

9.5.3 **Immediate** suspension / revocation of a driver may be considered where they

- have committed a serious offence
- are alleged to have committed a serious offence
- are in breach of the requirements placed upon that type of licence within primary legislation
- are in conflict with a significant part of the council's policy or
- where there is reliable intelligence provided which raises a significant concern and it is necessary to immediately remove that potential risk
- there is concern about a driver's medical fitness

9.5.4 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

9.5.5 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
 - an individual has satisfied the '[harm test](#)'; or
 - received a caution or conviction for a relevant offence and
 - the person they are referring is, has or might in future be working in regulated activity;
- if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made.

9.5.6 The council has a policy on its approach to convictions and cautions when assessing applications for drivers licences (**Appendix F**). Regard should be had to this policy when assessing whether an allegation, offence or complaint warrants immediate suspension /revocation.

9.5.7 Each case will be judged on its merits taking into account the circumstances and facts of the case, any admissions or denials made and any other relevant information.

10. Refusal to Renew a Licence

10.1 As an alternative to revocation/Suspension, a decision may be taken not to renew a licence, particularly where the licence is due to expire shortly.

11. Prosecution

11.1 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Authority are not followed and/or the public is put at serious risk.

11.2 The following Factors are taken into account when deciding whether to prosecute:

- Whether there is sufficient evidence such that there is a realistic prospect of conviction.
- The seriousness of the alleged offence.
- The risk to the public.
- Whether there were victims and the effect on them.
- Failure to respond to previous warnings.
- The previous record of the licence holder / party concerned.
- Disregard of safety or the licensing regime for financial benefit.
- Whether there was failure to comply with a statutory notice.
- The ability of any important witness and their willingness to co-operate.
- The probable public benefit of a prosecution and the importance of the case in establishing a precedent.
- Whether other action, such as issuing a simple caution or notice would be more appropriate or effective.

12 Simple Cautions

12.1 There may be circumstances where evidence exists for a successful prosecution, but where mitigating circumstances are such that nothing is likely to be gained from such action. In such circumstances we will consider the offer of a simple caution as an alternative to prosecution. Circumstances where a caution may be considered are:

- the contravention is low level or a first offence.
- the contravention, although serious, has been speedily dealt with and steps taken to prevent a recurrence.
- The offender has not been cautioned or convicted for a similar offence within the last 2 years.

12.2 The following criteria must be met:

- There is sufficient evidence of the offence such that there is realistic prospect of conviction if the case went to court.
- The offender admits the offence.
- The offender agrees to accept a caution; and
- the offender is able to give informed consent to the caution and understands its significance.

12.3 The decision to offer a caution will be taken by the Environmental Health and Licensing Manager or their relevant Assistant Director in conjunction with Legal Services Team after consideration of a report from the investigating officer.

12.4 If the offer of a formal caution is declined, further enforcement action will be considered. This will usually be prosecution.

13. Appeals

13.1 Where the licensing authority decide to refuse to grant or renew a licence, suspend or revoke a licence or add conditions to a licence, there is a right of appeal to Magistrates Court.

13.2 Where applicable, any notification of enforcement action will include written information on how to lodge an appeal, including relevant time limits.

13.3 It will also explain whether the suspension / revocation will remain in effect pending the outcome of an appeal.

APPENDIX H - Additional conditions applying to stretch limousines

1 Unless specifically stated otherwise below, conditions applying to Private Hire Vehicles also apply to Limousines. The conditions below are additional conditions specifically applying to stretch limousines licensed as Private Hire Vehicles.

2 The vehicle may be left or right-hand drive. Operators of all stretched limousines making applications for vehicle licences will be required to produce a valid Individual Vehicle Certificate (IVA) issued by the Vehicle and Operator Services Agency (VOSA).

3 Tyres must be fitted which are appropriate for the size and weight of the vehicle.

4 Vehicles with sideways facing seating may be considered for licensing.

5 The council shall approve the seating arrangement, within the vehicle, which may vary in accordance with the design of the vehicle.

6 All limousines shall have sufficient seat belts for the maximum licensed number of persons carried and comply with the current legislation in relation to seat belts.

7 The number of passengers any stretch limousine is licensed to carry will be a maximum of eight. All limousines licensed as Private Hire Vehicles must reduce their seating capacity to a maximum of eight passengers.

8 Proprietors must not permit the number of passengers carried in the vehicle to exceed the number for which it is licensed. A child of any age will be counted as a passenger.

9 No passengers to be in the driver's compartment.

10 In any advertisement publicising a limousine service, the advertisement must state that the vehicle is only licensed to carry eight passengers

11 Vehicles licensed as Private Hire Vehicles must have appropriate insurance to cover the provision of a service to the public for hire and reward, taking into account the specification of the vehicle.

12 Any sales of alcohol must be in accordance with Licensing Act 2003.

13 Any glassware used in the vehicles shall be made either of shatterproof glass or polycarbonate.

14 The vehicle will not be hired to persons under the age of 18 years unless an adult (other than the driver of the vehicle) supervises them.

15 All bookings for a stretch limousine licensed as a Private Hire Vehicle by the council must be booked through a Private Hire operator licensed by Hastings Borough Council in accordance with S55 of the Local Government (Miscellaneous Provisions) Act 1976.

APPENDIX I - STANDARDS FOR INSULIN TREATED DIABETES

1. These arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a Driver licence considered. The criteria are:

- To have been stable on insulin for at least 1 month;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person in the last 12 months;
- To have full awareness of the symptoms and risks of hypoglycaemia
- To provide evidence of blood glucose monitoring at least twice daily, including on days when vehicles are not driven and no more than 2 hours before the start of the first journey and every 2 hours while driving. This must be done using blood glucose meters with a memory function to enable at least 3 continuous months of readings to be available for assessment.
- Drivers may be required to provide evidence of monitoring to the licensing authority.
- To have no complication arising from diabetes or any other medical condition which would render the driver unfit to drive a licensed vehicle
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to the licensing authority any significant change in condition.
- To attend an examination by a hospital consultant specialising in the treatment of diabetes and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia. This is to be provided before a licence is first granted or renewed and / every 12 months thereafter. This is at the applicant's expense.

APPENDIX J- Scale of Penalty points

1. Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws or licence conditions.

2. The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator. However, the Council retains the discretion to issue penalty points to drivers, driver/proprietors, and operators for a single contravention if the circumstances warrant it

i.e. the breach is one against all these licences and it is considered joint responsibility is held.

3. The number of penalty points issued will be in accordance with the tables below.
4. It is possible that an incident gives rise to more than one breach and therefore result in more than one set of points being issued. However, a maximum of 12 penalty points will be issued on any one occasion.
5. The issue of penalty points will be confirmed in writing to the licence holder.
6. If a licence holder disagrees with a decision to issue penalty points, then they make an appeal to the Licensing Team in writing within 14 days of the date of the notice that points have been issued. The appeal must, state the reasons why the points should not be awarded. If the matter is not resolved, it will be brought to a hearing by a Environmental Health and Licensing Manager who will consider whether the points should be imposed. Where the Environmental Health and Licensing Manager agree that points should be issued, they have discretion to increase the number of points imposed where they consider appropriate.
7. When issued, the penalty points will remain “live” for a period of 12 months from the date they are imposed so that only points accumulated in a rolling twelve-month period will be considered.
8. If a licence holder accumulates 12 penalty points in any 12-month period, then they may be asked to attend a hearing of the Sub Committee to consider appropriate action in respect of their licence. Such action could include suspension or revocation of a licence or a written warning as regards future conduct.
9. When considering appropriate action, the Committee may consider whether the licence holder has previously been brought to Committee for exceeding the 12-point limit in the last 3 years.
10. The penalty points system will operate without prejudice to the Council’s ability to take other action under appropriate legislation or as provided for by this Policy.

11. Penalty Points Tables

Town Police Clauses Act 1847		
Section	Offence	Points
40	Giving false information on a Hackney Carriage licence application	12
44	Failure to notify change of address of a Hackney Carriage licence holder	2
45	Plying for hire without a Hackney Carriage licence	12
47	Driving a Hackney Carriage without a Hackney Carriage driver’s licence	12
47	Lending or parting with a Hackney Carriage driver’s licence	12
47	Proprietor employing an unlicensed Hackney Carriage driver	12
48	Failure of a vehicle proprietor to retain the licence of	6

	a Hackney Carriage driver permitted or employed to use vehicle	
52	Failure to display a Hackney Carriage plate	4
53	Refusal to take a fare without a reasonable excuse	8
54	Charging more than the agreed fare	12
55	Obtaining more than the legal fare (including failure to refund)	12
56	Travelling less than the lawful distance for an agreed fare	12
57	Failure to wait after a deposit to wait has been paid	12
58	Charging more than the legal fare	12
59	Carrying persons other than the hirer without the hirer's consent	8
60	Driving a Hackney Carriage without the proprietor's consent	6
60	Allowing a person to drive a Hackney Carriage without the proprietor's consent	4
62	Driver leaving a Hackney Carriage unattended	2
64	Hackney Carriage driver obstructing other Hackney Carriages	3
Section	Local Government (Misc Provisions) Act 1976	Points
46(1)a	Using an unlicensed Private Hire Vehicle	12
46(1)b	Driving a Private Hire Vehicle without a Private Hire drivers' licence	12
46(1)c	Proprietor of a Private Hire Vehicle using an unlicensed driver	12
46(1)d	Operating a Private Hire Vehicle without a Private Hire operator's licence	12
46(1) e	Operating a vehicle as a Private Hire Vehicle when the vehicle is not licensed as a Private Hire Vehicle	12
46(1)e	Operating a Private Hire Vehicle when the driver is not licensed as a Private Hire driver	12
48(6)	Failure to display a Private Hire Vehicle plate	4
49	Failure to notify the transfer of a vehicle within 14 days	3
50(1)	Failure to present a Hackney Carriage or Private Hire Vehicle for inspection upon request	8
50(2)	Failure to inform the Council where a Hackney Carriage or Private Hire Vehicle is stored, if requested	3
50(3)	Failure to report to the council within seventy-two (72) hours an accident causing damage.	6
50(4)	Failure to produce the vehicle licence and/or insurance on request	4
53(3)	Failure to produce a driver's licence upon request	4
54(2)	Failure to wear a Private Hire driver's badge	4
56(2)	Failure of a Private Hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer (also breach of conditions attached to licence – see below)	6
56(3)	Failure of a Private Hire operator to keep records of all Private Hire Vehicles, or failure to produce them on	6

	request of an Authorised Officer of the Council or a Police Officer (also breach of conditions attached to licence – see below)	
56(4)	Failure of a Private Hire operator to produce his licence on request	4
57	Making a false statement or withholding information to obtain a Hackney Carriage or Private Hire driver's licence	12
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a Hackney Carriage or Private Hire Vehicle licence	6
61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew	6
64	Permitting any vehicle other than a Hackney Carriage to wait on a Hackney Carriage rank	6
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement	12
69	Unnecessarily prolonging a journey	12
71	Interfering with a taximeter with intent to mislead	12
73(1)a	Obstruction of an Authorised Officer of the Council or a Police Officer	12
73(1)b	Failure to comply with a requirement of an Authorised Officer or Police Officer	12
73(1)c	Failure to give information or assistance to an Authorised Officer or Police Officer	12
Section		
Section	Equality Act 2010	Points
165	Driver of a Designated Wheelchair Accessible Vehicle failing to comply with duty to assist passengers in wheelchairs	12
168	Driver refusing to accept passenger with an assistance dog and/or making extra charge for carrying passenger with assistance dog	12
170	Operator refusing to take booking on the grounds that passenger will be accompanied by assistance dogs or making extra charge for carrying passenger with assistance dog(s)	12
170	Private Hire driver refusing to accept booking made through an operator on the grounds that the passenger will be accompanied by an assistance dog	12
Breach of Policy Requirement		
	Breach of Policy Requirement	Points
1	Failure to adhere to dress code	3
2	Failure to wear a driver's badge	4
3	Failure to behave in a civil and orderly manner	6
4	Failure to ensure the safety of passengers	6
5	Concealing or defacing a vehicle licence plate	4
6	Failure to attend on time for a pre-arranged booking without reasonable cause	3
7	Conveying a greater number of passengers than permitted	6

8	Failure to give reasonable assistance with passenger's luggage	3
9	Private Hire Vehicle soliciting for hire or accepting a fare that is not pre-booked	12
10	Operating a vehicle that is not clean and tidy	2
11	Carrying an animal other than belonging to a bona fide passenger.	2
12	Driving without consent of the proprietor	5
13	Smoking in a licensed vehicle at any time	6
14	Operating the horn as a means of signalling that a vehicle has arrived	3
15	Using a non-hands free mobile telephone, eating or drinking whilst the vehicle is in motion	4
16	Failure to advise of a relevant medical condition within 5 days	8
17	Failure to provide a receipt for a fare when requested	2
18	Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of Hackney Carriages	12
19	Failure to notify the Council of any amendment to the details of a licence within fourteen days	3
20	Failure of a driver to maintain an online certificate with the DBS update service.	6
21	Failure to notify within 14 days of starting or terminating employment, the name and address of the proprietor and term of employment	3
22	Failure to show a Private Hire driver's licence to the Private Hire operator at the commencement of employment	2
23	Failure to surrender a driver's licence, badge or plate upon request	6
24	Failure to check vehicle for lost property or to report lost property in accordance with policy	3
25	Failure to report an accident within seventy-two hours	6
26	Failure to notify within 14 days of starting or terminating employment, the name and address of the proprietor and term of employment	3
27	Failure to show a Private Hire driver's licence to the Private Hire operator at the commencement of employment	2
28	Failure to surrender a driver's licence, badge or plate upon request	6
29	Failure of a licence holder to disclose convictions / arrests/ charges in writing to the Council within 48 hours	12
30	Failure to check vehicle for lost property or to report lost property in accordance with policy	3
31	Failure to report an accident within seventy-two hours	6
32	Failure to comply with the requirements for the safe carrying of a wheelchair	6
33	Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein	6

34	Failure to carry an approved fire extinguisher	3
35	Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	3
36	Modifying a vehicle without the consent of the Council	3
37	Failure to display in the prescribed manner or maintain external licence plate or door stickers	4
38	Failure to display complaint reporting information within a vehicle	4
39	Hackney Carriage vehicle signage not in accordance with the Council's requirements	4
40	Affixing or displaying a roof sign on a Private Hire Vehicle	4
41	Displaying a sign or advertisement on a licensed vehicle contrary to the Policy requirements or which has not been approved by the Council	4
42	Taximeter does not conform to the Council's requirements	6
43	Operating or driving a vehicle which does not comply with the Council's Policy requirements	6
44	Driving with no insurance or inadequate insurance for the vehicle	12
45	Allowing a vehicle to be used for hire by a person who does not hold a current driver's licence	12
46	Operating a vehicle which does not comply with the Council's requirements in relation to tinted windows	4
47	Permitting the vehicle to be used for any illegal or immoral purposes	12
48	Failure of a Private Hire operator to provide a prompt, efficient and reliable service	3
49	Failure to ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated	3
50	Failure to display information within Operator's premises (provided for public waiting /booking) on how to report concerns/ complaints to the Council	4
51	Failure of a Private Hire operator to ensure that vehicles attend bookings punctually	4
52	Failure to act properly upon the receipt of a complaint or to notify immediately the Licensing Officer	4
53	Failure to notify the Council of any changes, including change of address from where the business operates within 14 days	3
54	Failure of a Private Hire operator to ensure that all vehicles operated by him are adequately insured	8
55	Failure to notify the Council of any vehicle used by the Operator which is involved in an accident within 72 hours	6
56	Failure to maintain or produce records of Private Hire bookings, vehicles, drivers or other documents required to be kept or produced in accordance with s.56(2) & (3) of the Local Government (Miscellaneous Provisions) Act 1976	6
57	Failure to maintain or produce records of individuals employed to take bookings or dispatch vehicles	6

58	Failure to carry out or keep record of check Basic DBS of individuals employed to take bookings or dispatch vehicles	6
59	Failure of a Private Hire operator to have valid public liability insurance for the operating premises if the public are allowed access	8
60	Failure of a Private Hire operator to ensure that every driver employed by him has a Private Hire licence and badge	4
61	Failure to make the Operator's licence available for inspection, in accordance with s.56 of the Local Government (Miscellaneous Provisions) Act 1976	4
62	Tampering with a CCTV system	12
63	Notification from Sussex Police 'Community Speed Watch' of excess speed recorded against a licensed driver	4
64	Any other contravention of the Policy or Byelaw not covered above	2-12

APPENDIX K - Hackney Carriage Byelaws

The Council's Byelaws for Hackney Carriages have not been repealed but many requirements have now been superseded by new legislation or licence conditions within this Policy.

Hackney Carriage Byelaws

Made under Section 68 of the Town Police Clauses Act, 1847 and Section 171 of the Public Health Act, 1875 by the Hastings Borough Council with respect to Hackney Carriages in the Borough of Hastings.

Interpretation

1. Throughout these byelaws:
 - "the Council" means the Hastings Borough Council and
 - "the District" means the Borough of Hastings.

Provisions regulating the manner in which the number of each Hackney Carriage, corresponding with the number of its licence, shall be displayed.

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

Provisions regulating how Hackney Carriages are to be furnished or provided.

3. Every proprietor of a Hackney Carriage shall:

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

4. (This Byelaw has been superseded by Hackney Carriage Vehicle Licence Conditions)

5. 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 a 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 letters 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 may be 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 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.

6. The 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 and a half inches 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.

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

7. The driver of a Hackney Carriage shall:-

- i. if the taximeter is fitted with a flag or other device bearing the words 'FOR HIRE':-
 - a. when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible,
 - b. when the carriage is hired by distance, at the commencement of the journey bring the machinery of the taximeter into action by moving the flag or other device so that the words are conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring,
- ii. if the taximeter is not fitted with a flag or other device bearing the words 'FOR HIRE':-
 - a. when standing or plying for hire keep the taximeter 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 6 so that the words 'FOR HIRE' are clearly and conveniently legible by persons outside the carriage,
 - b. when the carriage is hired whether by distance or by time, operate the said sign so that the words 'FOR HIRE' are conveniently legible by persons outside the carriage,
 - c. when the carriage is hired by distance at the commencement of the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the work 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of hiring,
- iii. 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 or any statutory re-enactment thereof and also at any other time at the request of the hirer.

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

9. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired,

- a. proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf,
- b. if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand,
- c. on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction,
- d. from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward,
- e. if his carriage is the first carriage on the stand remain with the carriage ready to be hired at once.

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

11. The driver of a Hackney Carriage shall,

- a. 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,
- b. not at any time when driving for hire smoke tobacco or like substance

12. A driver of a Hackney Carriage who knowingly conveys in the carriage the dead body of any person shall immediately thereafter, notify the fact to the Borough Environmental Health Officer.

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.

14. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

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

- a. convey a reasonable quantity of luggage,
- b. afford reasonable assistance in loading and unloading,
- 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.

Local Government (Miscellaneous Provisions) Act 1976 S63

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

16. The driver of a Hackney Carriage shall immediately after the termination of any hiring carefully search the carriage for any property which may have been accidentally left therein.

APPENDIX L - DRIVERS DRESS CODE

1. The Council considers that drivers should conform to a minimum standard of dress, as set out below in order to:

- Promote and maintain the professional image of the trade
- Promote public confidence and ensure passengers feel comfortable when travelling in licensed vehicles.
- Ensure safe operation of vehicles

2. Acceptable standards of dress:

- Shirts, blouses, T-shirts or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Trousers, smart jeans or tailored shorts which reach the knee when standing upright.
- Skirts / dresses at least knee length
- Footwear for all drivers that fits around the heel of the foot.

3. Unacceptable standard of dress

- Unclean or damaged clothing

- Words, logos or graphics on any clothing that is of a suggestive nature or which might offend.
- Sportswear (e.g. football kits, tracksuits or beach wear/ swim wear etc.)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel or any other footwear that prevents safe operation of the vehicle.
- Drivers not having either the top or bottom half of their bodies suitably clothed

End

This policy will be the subject of consultation with major stakeholders and the trade and the council is grateful to all those who contributed their comments. The document is not a full and authoritative statement of the law or statutory guidance and does not constitute professional or legal advice. The council welcomes comments and observations on this Statement of Taxi Licensing Policy.

DRAFT

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Appendix 2

Table of measures contained within the Statutory Taxi and Private Hire Vehicle Standards			
Requirement		Response	Timescale for completion
1.	All licensing authorities should publish their considerations of the statutory standards	Report to go to Environment and Safety Committee on 18 May 2021	Completed for adoption 20 th May
2.	The Licensing Authority should have a cohesive taxi and private hire policy document	This policy replaces the handbook which has been in existence for many years	Completed for adoption May 20 th with ongoing revision
3.	There should be a regular review of the licensing policy with a minimum review of every 5 years	Recommendation to committee that a review date for the next full revision of the policy should be set no later than May 2026.	Policy to be fully reviewed 2026
4.	Importance of internal whistle blowing policy with regular staff reminders	Whistle blowing policy in place and regular reminders sent to staff by Internal Audit.	Completed
5.	Need for consultation on major changes of policy	Report to highlight where this has occurred and to make suggestions around future consultation with respect to CCTV.	Completed for adoption 20 th May 2021
6.	Any changes in policy should lead to an overview of the licences issued	This already takes place. Committee report highlights further reviews that may need to take place as policy changes are agreed.	Ongoing
7.	There should be regular liaison with the police to ensure effective information sharing	This is in place and ongoing.	Ongoing
8.	A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS	Section 9 of Appendix G of the Taxi and Private Hire Policy to be amended accordingly. Currently this would already happen, but the proposal is to formalise this through specific reference in Policy.	20 th May 2021 committee for immediate implementation

9.	Information sharing protocols in place with the police and other agencies and LAs	Current information sharing protocol is in place Pan Sussex	Completed
10.	Requirement to disclose if previous licences held with other authorities have been revoked or suspended	This is already on application form with notification of the consequence of not completing the application form correctly.	Completed
11.	Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.	NR3 is a national database for the refusal and revocation of Hackney carriage/ Private Hire licences. The authority is already a member of the scheme.	Completed

12.	All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.	The service has a current system in place to manage complaints which will be enhanced in early 2022 when the service transfers to a new IT system	New system in place by 2022 (subject to IT limitations and testing)
13.	Training of decision makers – need for Environment and Safety Committee and licensing staff to attend training	Officer training on safeguarding has taken place further training is being booked in. New Councillors inducted in Licensing	December 2020 ongoing
14.	Licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocations of a licence.	There has been a clear process in place for several years which is outlined in the Council's constitution and this policy	Completed
15.	Licensing Authorities should not, as part of their policies, issue a licence to any individual that appears on either the children or adult barred lists	Appendix E of the policy to state that 'no licence will be issued to any individual that appears on either the children or adult barred lists.'	Completed
16.	Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually for vehicle proprietors	Vehicle proprietors are already required to hold a licence with the authority which means that they are subject to a DBS check, those that are also drivers are subject to an enhanced DBS already and will not therefore require another check	Completed

17.	Consideration of a requirement for CCTV in all vehicles	It is proposed that at this time that the installation of CCTV is a made voluntary recommendation and not made mandatory. A fair percentage of the fleet already have CCTV installed. Further investigation and cost analysis identifying the implications to both the trade and the council (HBC as Data controllers) would be require. CCTV is already mandatory for new applications to the Hackney carriage fleet under previous conditions.	Review via E&S Committee in June 2023
18.	Policy covers the licensing of stretched limousines	This policy already now covers such applications	For adoption 20 th May 2021
19.	Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually for private hire operators	Section 5.2 to come into effect for all new applications and renewals from June 2021 and all existing operators by 1 January 2022	For adoption 20 th May 2021 committee for implementation from June 2021
20.	Licensing authorities should, as a condition of granting an operator licence, require a register of all the staff that will take bookings or dispatch vehicles.	Section 5.2.9 to come into effect for all operators from 1 January 2021	For adoption 20 th May 2021 to come into force by 1 st Jan 2022
21	Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking: <ul style="list-style-type: none"> • The time and the date of the booking • The name and contact details of the hirer • The time, date and place of pick up • The destination • The Name and licence number of the Driver • The vehicle registration number or plate number of the vehicle • Name of any individual that responded to the request 	The current handbook requires records to be kept recording the following information for each booking: <ul style="list-style-type: none"> • The date and time of booking. • The method and source by which the booking was taken • The point of pick-up. • The destination • The time at which a driver was allocated the booking. • Identification of the vehicle and driver allocated for the booking. • The records of bookings (or duplicate) shall be kept at the premises where the booking was taken. <p>It is recommended is that amended to reflect the DfT standards listed in the requirements of item 21</p>	Recommendation made for adoption 20 th May 2021 to come into effect for all operators by 1 st Jan 2022

	<ul style="list-style-type: none"> Name of the individual that dispatched the vehicle The fare (if this was agreed at the time of booking.) 		
22	Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement can be taken against licensees from outside their area	Officers Pan Sussex are being jointly authorised via the Sussex Liaison Group	Ongoing
23	Licence holders should notify the licensing authority within 48 hours of arrest	Previous Handbook only detailed a requirement to inform the council of a conviction within 7 days. New policy to reflect the requirement to notify LA within 48 Hrs of arrest	Completed
24	Regular liaison should take place with neighbouring authorities	Hastings Borough Council plays an active part in the Pan Sussex Licensing Officers Group.	Completed
25	Guidance for passengers wishing to make complaints against drivers should be contained on the council's website	The council's webpage to be reviewed and refreshed. Information is currently detailed on the website on how to make complaint.	Ongoing
26	Info should be displayed in vehicles about how to complain to Licensing Authority	Information on this is to be displayed within the vehicle by methods being investigated such as a headrest mounted display.	For adoption 20 th May 2021 implementation by 1 st January 2021
27	Operators should conduct basic DBS checks and have a policy on employing ex-offenders in roles.	Recommendation made to amend Appendix L to require operators to conduct DBS checks on all call handling and dispatching staff as well as to have a policy on employing ex-offenders. All records must also be made available to the Licensing Authority upon request.	20 th May committee for implementation by 1 st January 2022
28	Mandatory training for drivers on safeguarding and equality awareness.	Training has been sourced and is ready to implement for new and existing drivers.	20 th May committee for implementation immediately for new drivers and phased in for existing trade
29	Consideration of the adoption of the DBS Update service as a mandatory condition of the authority's policy.	Recommendation made for adoption on 20 th May 2021 to come into effect for all new applications and renewals from February 2021	20 th May committee for implementation from February 2021

30	Review of disciplinary process and the current scheme Penalty points.	Process reviewed and updated to reflect standards	For adoption 20 th May 2021 committee for immediate implementation.
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APPENDIX 3

Consultation responses – Taxi and Private Hire Policy 2021

Hastings Taxi Association

Dear Mr S. Bryant

Thankyou for sending the Association the proposed new altered Hastings Taxi Policy,

Please find the associations comments and Remarks on this new policy below.

It has been read in detail by the members and we have also taken advise from ACAS and a Licencing barrister as well as Social Services.

1) page 6 welfare of children,

The Association is alarmed at this new idea of official channels being set up for drivers to report what they percieve in their view, to be any parental abuse towards any child, In the present system any driver who thought this was happening, would make an anonymous phone call to put things in motion, with this new idea, after speaking with Social Services in depth I was informed that a file would be set up immediatly with their name attatched with the date, this file can be accessed for up to 5 years by the parents themselves which would or could place the driver who made the call or complaint in immediate danger from the family if they were that way inclined.

Once any driver knows this, no one will use the new official route they will revert back to making an anonymous call.

I reflect on a case in London where a parent who took his son to school every day, As his son started to make closer friends he ended up taking his son and 2 other children that were enroute into school, after a while the 3rd child got into the vehicle on a monday morning with facial bruises and a wrist cast , the parent asked what had happened and the child replied "my dad did it" on this imformation the parent immediatly made an official complaint to the police who informed Social Services the upshot of the case was the child lied for his own reasons which was proved but the parent ended up in Hospital for nearly 4 weeks almost losing his life and the childs parent and 2 brothers were sentenced to 5 years for the damage the had inflicted on the other parent, all because the parent made the wrong call, children lie for attention and all manner of other reasons.

If councils are that worried about childrens welfare, they would be better spending time making sure that operators stop looking at the monetary value of a school run by bidding for as many as they can, and spend more time at looking at making sure the same driver takes the child to school each day, therefor the child creates a bond with the driver making for a happy journey both ways and a good rapport with the parents, that way you are in a better position to make any observations.

Only last month a child had his PA changed, for no other reason than the operator had a new school run, and decided to use the old PA for it as it was more money for her, the New PA did not get on with the child who is special needs, the parent rang the operator to ask for the PA to be back with her child she was told " tough you get what ever PA we decide," she then rang Lewis to speak to transport and was told "nothing to do with us," so here you have a simple case where the council and the operator at no point took what the child needed into account yet here we are, where councils want to bring untrained drivers into the mix just to say we have done something about it.

Also the Association wishes to know who is paying for this course or courses and how long they last before being renewed as well as the cost.

How anyone can become proficient in child abuse with a 1 day course is beyond me, we should remember that a small amount of knowledge in some hands is very very dangerous and when dealing with special needs children you need to get it right first time.

Page 8, 3.2.4 New Taxi colour code

The council requested after the deregulation that we formed a committee to set out a criteria for the new Wheelchair accessible Taxis, the council requested that they should all be the same colour, the council requested that we find a suitable pantone colour , the council accepted the pantone colour 8m4kJD6B , the council put the rule in that all new Taxis have to be this colour , the council clearly placed this pantone colour in the rule book and on the application for a new wheelchair Taxi, Only 1 out of the 7 new vehicles is the correct colour and that one person went and had his vehicle sprayed the correct colour before placing it for inspection to be accepted.

There is no reason why any of these vehicles could not of been sprayed the correct colour as it has been done , also I obtained the correct colour in wrapping from Signtek in Eastbourne and sent it to licencing to prove it is available in wrap.

Which brings us to the question, are we in a situation where the writers of the rule book do not need to follow the rules that they impose?. Especially after an owner sent seven emails on this question to councillor Mike Hepworth and did not receive one reply from the person he wrote to.

Page 11, 3.4.4 Engines off at ranks & Air quality

After much deliberation on this topic many good points had surfaced, the main and constructive point was, is it not the drivers human right to be able to keep warm in winter whilst waiting for a fare that can take up to an hour before the pandemic and up to 3 hours during the pandemic? There is not a vehicle that has been invented yet where the heater works with the engine off. Your camera and radio would drain the battery in 20 minutes with the engine turned off.

Also, if air pollution is high on a local councils agenda why would they a) increase the amount of diesel Taxis after deregulation and b) give the Taxi fraternity new taxi stands as more vehicles, and then promptly take them away again. We even have one in the old town that is new but someone from the public keeps cutting the cable ties off the sign to throw it away as they dont agree with Taxis being placed there. The council does replace these signs eventually but only with cable ties so that it can be cut again, why has no one thought of welding it in place like other signs so that it cannot be cut away without being seen.

Page 16, 3,16,4 DBS

In this section it seems to relax the importance of the DBS as it is written, it states that people from overseas, is less important to have records prior to 18 years of age, and it is only as an adult that is important. Yet english born applicants according to rule must have an enhanced DBS of which goes right back to pre 18, surely it should be the same for both parties, otherwise would be deemed discrimanative. We are the same people doing the same job, overseas applicants should have to have the same background checks as a british born driver, and should be done through the home office before applying for a licence so as to create an even and fair playing field.

This is an on going argument that has spanned a few years now, we used to have to carry a first aid kit but no longer do because the Health profession said none of us are qualified to use one and could create more problems than curing the problem. Now we have the same coming from the Fire Department,

After a lengthy conversation with the Fire brigade they informed me that their advice is to, at all times vacate your vehicle and take any passengers as far away from the vehicle as possible and at NO time try to attack the fire, and to inform them. So here we are again, having to purchase, maintain and upgrade something that we are not allowed to use. In my mind the first aid kit is far more important, as there are some drivers who are very qualified in First aid and could help at any RTA until an ambulance arrived proficiently.

So again we ask why do we have a fire extinguisher that we are not allowed to use?

Page 50 11.1 Medical

Some of our members have complained before and have requested the Association legally look further into the matter, as they do not see why the council has a right to hold private doctor patient information, any medication they are on and subsequent information that is strictly confidential under the data protection act. Most of the members believe the council only need the last page of the medical form which is the part from the doctor stating the person named in their opinion, is able and capable on a health aspect to drive a vehicle.

The argument from the last Licencing officer was that by having this information they can look back to track certain things in case a driver somehow acquires a dodgy medical report from somewhere to cover things. This brings in a question, who in licencing has the qualifications to be able to ascertain any difference between past and present medical reports?

The easiest and simplest way to stop any dodgy medicals being acquired is simple, bring in a rule that all medicals must come from the persons own registered doctor and stop drivers being allowed to just go to any doctor or the cheapest, your own doctor knows you and your history and is not going to give you a positive medical to cover anything as their own career would be in jeopardy.

Penalty point table

We have taken advice from ACAS on this table and have included any comments from them below as the self employment laws are now much stricter on what classes the difference of self employed and employed.

Section 53 Refusal to take a fare without a reasonable excuse.

ACAS All self employed people whether a builder, electrician, plumber or Taxi driver are in their own right self employed, with their own private business and thus can refuse any job or contract put before them for any reason they deem fit. The only person that can enforce someone to do a job or contract is an employer.

Section 58 Charging more than the legal fare.

What is the legal fare ? When using a Taxi as a private hire you can charge whatever price you like as they do and always have done

Section 62 Leaving a Hackney carriage unattended.

This needs clarifying better, when is it a council offence ? your vehicle is unattended when you use a toilet, when you carry peoples luggage or shopping when you are standing on the rank talking when you are paying for petrol etc, one driver did actually get this ticket from a traffic warden parked at peacocks which was allowed and all he did was escort a 87 year old woman across the lights to the Taxi shelter in queens road because she started to feel bad, when Pauline was licencing officer, she tried to get the ticket revoked but parking would not budge .

Section 54 (2) Failure to wear your badge.

This rule needs to catch up with the rest of the world, I have used a Taxi all over the world, Europe, China, Australia and America, their badges are on the dashboard facing the passenger seat so that any customer can immediately see the photo, the number, the date of licence etc, the customer can instantaneously see if the driver is the same person which is in the photo and if they wish to complain about the driver for any reason, the details are in front of them. Most people do not wish to have a confrontation with the driver. By placing the badge on the dashboard, would eliminate any possible confrontation. The badge hanging around your neck most of the time back to front with movement shows the customer no information at all.

Section 67 Charging more than the meter fare when used as a private hire.

If your using the Hackney as a private hire you can charge whatever price is agreed between the customer and yourself, also the meter would not be on when used as a private hire vehicle agreed by the council so this rule either needs clarification or taking out.

Breach of policy 1

Failure to adhere to dress code

According to ACAS the only time anyone can tell a self employed person with their own business what to wear is when Health and safety equipment or dress is needed by law, ie a building site and such like other than that, only an employer can determine your dress sense.

Our view is similaire to the councils, we should be tidy and presentable.

We strongly recommend that the council allow tracksuits, providing it is a matching 2 piece tracksuit without any offensive logos except the makers, many compainies now issue track suits to their outside workers, they look neat and tidy, they are durable, warm in winter have a hood incase of rain and very trendy and with no engine on whilst on the rank looming, a tidy track suit would help vastly in keeping warm.

Breach of policy 65

Community police speed watch.

Why are we and we alone, being penalised with 4 points when the rest of the public receive nothing other than the paper warning. No court case has happened , no points have been issued, so no traffic offence. Inaffect a driver could recieve 3 of these in a year, and according to rule, can lose his licence and livelihood and still have a clean driving licence. The same driver could then apply legally to Rother for a Hackney licence which would be approved as he/she has no points on their licence. We would strongly argue that we should

not receive 4 points for a warning, only if it went to court and were found guilty. Again, discrimination.

Pandemic help

[REDACTED]

[REDACTED]

I hope these comments are of help and give you an insight into the general feeling of the Hackney trade in this town, any comments or questions please do not hesitate to contact me at [REDACTED]

Yours sincerely

D.Preedy

Hastings Taxi Association Secretary

Hastings Taxi Call

From: STUART PATNELL [REDACTED]

Sent: 31 January 2021 19:40

To: Licensing

Subject: Re: Hackney Carriage Policy on behalf of Hastings Taxi Association.

Attachments: Bob Brown Meeting Unmet demand survey Feb 18.pdf

Categories: Completed

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments

unless you recognise the sender and know the content is safe.

Hello Licensing, if i could please ask a couple of questions regarding the draft Hackney Carriage policy on

behalf of the Hastings Taxi Association as there is only a few of us left working at present.

PAGE 7-3.1.4

The council does not intend to set a limit on the number of Hackney vehicles ? This seems very final as

we were led to believe this was going to be debated again by the committee if ever the number of plates

reached 60 or above (please see attached e-mail below) .

Is this no longer the situation or has there been another meeting on this since then ?

PAGE 25 5-3-1

Operators base must be located in the Hastings District ?

we assume that Rother is also required to update the taxi policy. Will this effect cross border licensing in

any way where a company operates a taxi from another licensing District without an office there.

Hope you do not mind a couple of questions as i realise the hard work that has gone into this policy

having read it.

Look forward to hearing from you if possible.

Stuart patnell [REDACTED]

[REDACTED]

Stephen Histed

[REDACTED]

Dear Licencing

I have a few concerns around the new draft policy that I would appreciate being brought up at the meeting.

3.8.11

A private hire can apply to be exempt from displaying plates and doors along with the rate card.

How will this affect them will they have to display the complaints procedure?

3.10.2

Mandatory CCTV

In the past grants have been discussed to help the trade with CCTV is this something that will be introduced?

4.10

Child Sexual Exploitation Safe guarding training

I am a foster carer with ESCC and as such have taken the relevant course, I am classed by ESCC as self employed yet they pay for and maintain my qualification along with my DBS checks. East Sussex Childrens transport also provide free course if they require a driver/escort to have a particular qualification.

I feel that as this is something that licensing is making mandatory the cost should be met by the council and not passed onto the licenced driver. The hackney trade in Hastings has dramatically reduced over the last few yrs and even when we exit the Covid restrictions the trade will not recover due to the loss of large department stores and the student trade. The cost to obtain and maintain a hackney licence/hackney plate is increasing and with possible cost of CCTV and now training it will force alot of drivers out of the trade which ultimately will not be good for Hastings.

I would like to request that the council give serious consideration to the proposed increased cost to the trade.

Separately a number of council;s around the country have provided a grant to the taxi trade funded from money from the Government to support local business. I believe the council has paid out £5.5 million from the Local Restriction support grant to small businesses in Hastings the Taxi trade has and is suffering with reduced income is there anything that can be done to help the trade.

Kind Regards

Stephen Histed
Events Travel

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Hi there

Whatever you do can you please implement quality control checks? There are far too many taxis driving around the Hastings area with lights which aren't working, including headlamps, brake lights, tail lights and number plate lights. Also, far too many are driving with front fog lights on when it's perfectly clear.

Some courtesy from the drivers would also be appreciated; waiting for pick ups whilst sat in the middle of the road, stopping on footpaths, failing to turn off headlights whilst stopping on the wrong side of the road - all from supposed 'professionals ' who should be setting an example of best practice!

[REDACTED]

Sent from my iPad

247 Transport Solutions Ltd

Subject: RE: Revised Taxi Policy 2021 incorporating the new DfT Statutory Taxi & Private Hire Vehicle Standards

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments

unless you recognise the sender and know the content is safe.

Hi Stew,

Hope all is well?

I have been through the draft documents and think it's a job well done to be honest. I only have a

couple of bits to note:

* CCTV – We have seen the benefit of installing this across our fleet, its invaluable not just for customers but drivers too. Most recently we had a complaint made of sexual advances by a

driver to a customer but within a matter of minutes we were able to retrieve the CCTV, discount the allegation and it is now in the hands of the Police to take action against the original complainant. Without CCTV we'd have seen that driver have his licence suspended during an investigation and possibly revoked if he could not prove his innocence. Suffice to say we would like to see CCTV made mandatory for all licenced vehicles for the safety of all concerned.

* Safeguarding and Disability awareness training – Could we possibly look at this aspect, we already cover this with all drivers along with suicide awareness, mental health and or own driver standard training. Drivers are refreshed at a minimum of once every 6 months although any driver that covers a contracted Social Services or School route undertakes this as a bite size module within each school holiday including half terms so are very attuned to any advances or changes. ESCC have accepted that out training is sufficient for them and meets the needs and I am aware that our training manager Richard Harding had the sessions given the nod by Bob Brown too. Is there potential for us to maintain our system and meet the requirements of HBC?

* Hackney Carriages (Nos 49 upwards) – firstly could the paint code be removed, the code is not one available on these vehicles and relates to a late 1990s Toyota, this should be manufacturer base colour dark blue. Also, perhaps it's time (as unpopular as this will be with the hackney trade) to look at rear loading vehicle too, with the absence of a relevant unmet demand survey the latent/patent demand is clearly an unknown but from our own

experience of using rear loading vehicles we know that both latent and patent demand exists within the private hire sector, so by virtue of that it must also exist within the hackney sector, albeit the level cannot be accessed. I know that part of the argument from the hackney trade over this was that they deemed rear loading to be somewhat “unsafe” yet there is not clear evidence of this and that if they are safely deemed as a private hire surely they are safe to also be a hackney carriage.

Perhaps this isn't the right time to address this but it's something I think now warrants further conversation?

Anyhow, well done, great bit of work and we will happily support you and the team in getting this approved but I'd be grateful if we could look at the few points raised.

Have a good weekend, catch up soon.

Stew

Stew Smith

Business Manager

247 Transport Solutions Ltd

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Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 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.**
- 8.9 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. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a ['responsible organisation'](#) to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 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.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

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

Exploitation

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

Offences involving violence against the person

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

Possession of a weapon

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

Sexual offences

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

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

Dishonesty

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

Drugs

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

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

Discrimination

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

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

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 seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

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 five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.