

Taxi and Private Hire policy

*A safe, competent and
high quality service for all*

Canterbury City Council licences hackney carriage (taxi) and private hire drivers, vehicles and operators. It has adopted the *Local Government (Miscellaneous Provisions) Act 1976* together with the *Town Police Clauses Act 1847* and the *Public Health Act 1875*

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Index

1.0	Introduction	1
2.0	Making an application to becoming a taxi/phv driver	5
	Requirement 1 – "fit and proper person"	6
	Requirement 2 – Driving licence	6
	Requirement 3 – Driver and Vehicle Licensing Agency disclosure.....	6
	Requirement 4 – Operator	7
	Requirement 5 – Information to provide with the application.....	7
	Requirement 6 – Disclosure and Barring Service (DBS) check.....	7
	Requirement 7 – Training and the knowledge test.....	8
	Requirement 8 – Driving standards test	9
	Requirement 9 – Medical examination	9
3.0	Making an application to licence a taxi or private hire vehicle.....	11
4.0	Making an application to become a Private Hire Operator	13
5.0	Making an application for renewal of a licence	14
6.0	Ongoing requirements for drivers, vehicles and operators	15
7.0	Enforcement and appeals.....	31
	Appendix 1 – Guidance for offences, breach of conditions, enforcement and delegated powers	35
	Appendix 2 – Penalty Points Scheme	38
	Appendix 3 – Enforcement concordat	44
	Appendix 4 – Officer and/or Licensing Sub-Committee Hearing	46
	Appendix 5 – Transporting disabled passengers, assistance dogs and the Equality Act.....	48

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1.0 Introduction

- 1.1 This policy has been prepared by the council. It has been consulted upon with the public, relevant authorities and the taxi and private hire trades.

This policy does not cover non-motorised forms of transport that are not operating as a taxi. Such forms of transport do not fall within the category of Private Hire Vehicle.

Taxi and private hire licensing only covers services provided for commercial gain.

Taxi and private hire licensing does not cover carriage of a passenger as an ancillary or incidental part of another service, eg cars provided by hotels for their guests.

Throughout the drafting and consultation process the council has emphasised that the policy provides guidelines that will be applied with flexibility and common sense to applications. Enforcement matters will be addressed with transparency and fairness but robustly when dealing with serious and/or repetitive issues of non-compliance and enforcement.

The council and members of the professions are committed to establishing a 'Canterbury brand' that is synonymous with safety and quality.

The council is working towards gaining accreditation under the White Ribbon initiative which aims to eliminate violence against women. The council expects drivers to support this initiative by being active allies in creating a safe and equal society and never to commit, excuse, or remain silent about male violence.

- 1.2 Canterbury City Council (the 'licensing authority') regularly reviews its policies to reflect changes in legislation, government guidance, other relevant council policies, including the corporate plan, transport strategy, good practice, local needs, technological developments and reports such as the Rotherham report. The overriding principle of this policy is public safety.

- 1.3 Standard – *'An excellent, professional and safe service for all'*

Every aspect of the policy, from first application to enforcement, has been drafted with this standard in mind.

The policy seeks to achieve the following objectives:

- health and safety of the public and the drivers
- promotion of the findings of the Rotherham report
- promotion of the White Ribbon to raise awareness and prevent violence against women and girls and encouraging men to be active allies*
- promotion of a professional and respected hackney carriage (taxi) and private hire trade
- prevention of crime and disorder
- promotion of compliance with policy, legislation, bye-laws etc

- improvement of the local environment, in particular air quality, economy, employment and quality of life
- promotion of an excellent service by the council to drivers and operators
- adherence to robust and efficient enforcement procedures
- promotion of the council's pledges in its corporate plan
- to ensure that in its decision making the council takes proper account of the Human Rights Act, particularly Article 8, 'the right to a private life'.

*Canterbury City Council has always given this issue the highest attention and the Licensing Officer and Student Community Support Officer provided advice on the 02 July 2018 to the *Women and Equalities Select Committee* on the *Zero Tolerance Project*.

1.4 **Safety**

The Licensing Authority helps to develop safe drivers by making regular disclosure and barring service (DBS) checks, medical assessments and driving tests. The council retains the right to ask a driver for an up-dated DBS check at any time.

The council maintains safe vehicles through regular Ministry of Transport testing (MOTs), checking insurances, minimum standards as to age and condition of vehicles, and an annual inspection regime for all taxi and private hire vehicles at licence renewal.

1.5 **Professionalism**

The council develops professionalism in its drivers by testing them to make sure they have achieved an acceptable standard in different areas of competence and knowledge including:

- a working knowledge of English required to be a driver
- Highway Code
- routes throughout the district
- taxi and private hire licensing conditions
- byelaws
- relevant legislation
- disability awareness
- child sexual exploitation awareness
- safeguarding awareness
- equality and discrimination awareness

(a) **Driving**

All taxi and private hire drivers must also pass an approved taxi driving assessment.

(b) **The council runs an on-going training programme for its staff and councillors so that they can process applications, investigate complaints and enforce alleged breaches of the policy and law proficiently and expeditiously.**

1.6 **Excellence**

The council expects its drivers and operators to deliver an excellent service to the public.

The council seeks to deliver excellent and fair administrative and enforcement services to the public and the trades.

1.7 **Officers and decision making**

The council's constitution explains how decision-making powers are delegated to councillors and officers.

Where an officer has the power to make any decision he/she will have a written note of his/her power to do so if the delegation is not detailed in this policy.

1.8 **Fees**

Applicants must pay the fees for their application as set out in the policy. Once fees become payable an application will not proceed any further until they are paid. Fee payments must be cashless.

The schedule of fees is reviewed each year and in conjunction with a review of the policy every three years. Fees reflect the cost of the administrative costs of the licensing regime, processing applications, compliance and enforcement of licenced and unlicensed operators, drivers and vehicles etc.

1.9 **Dual badge holders**

If a driver wishes to convert his/her current hackney driver or private hire driver badge to a dual driver's badge, the fee due is the full dual badge fee, less the pro-rata value of the fee remaining on the current badge, plus an administration fee to cover costs of up-dating records, producing new badges and completing a dual badge test. An application to convert to a dual badge will be treated as if it is a new application and as such the council will consider (a) whether the applicant is a 'fit and proper person/safe and suitable' and/or (b) whether there are any current issues to consider, eg enforcement proceedings and appeal hearings.

If a Private Hire Driver wishes to convert to a Dual Driver, they will need to undertake a Knowledge Test and pay the fee, new badges will be issued upon passing the test. If a Hackney Carriage Driver wishes to convert to a Dual Driver there is an administration fee to pay and new badges will be issued. An application to convert to a dual badge will be treated as if it is a new application and as such the council will consider (a) whether the applicant is a 'fit and proper person/safe and suitable' and/or (b) whether there are any current issues to consider, eg enforcement proceedings and appeal hearings.

1.10 Fares

Taxi fares must be charged in accordance with the rates approved by the Licensing Authority.

Department for Transport

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance states:

[Taxi and private hire vehicle licensing: best practice - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/taxi_and_private_hire_vehicle_licensing_best_practice.pdf)

Private hire fares are the reasonable amounts agreed between driver and customer at the time of booking, before the journey commences.

Department for Transport

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance states:

"The driver will:

- Ensure that the passenger has pre-booked and agrees the fare before setting off.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most effect route."

Applications to increase fare rates will be considered by the council on request in accordance with *Section 65 of the Local Government (Miscellaneous Provisions) Act 1976*.

The Licensing Authority retains the power to regulate taxi fares in respect of any journey within the compellable distance.

A taxi driver is allowed to charge more than the metered fare for journeys starting inside the licensing area and ending beyond the compellable distance only if this is agreed in advance. In the case of a pre-booked journey starting outside the compellable distance, the price/estimate should be given on request by the passenger, and, if so, recorded.

The compellable distance for a passenger to be taken is seven miles beyond the boundary of the licensing area.

1.11 Equality Act 2010

The council has an equality and diversity policy on its website. The policy statement reads:

Canterbury City Council recognises that the diversity of our communities is a huge asset that should be valued and seen as one of the district's great strengths.

As one of the largest employers in the Canterbury district and one of the main providers of local services, the council is committed to providing equality of opportunity and tackling discrimination, harassment and disadvantage. We are also committed to achieving the highest standards in service delivery, decision-making and employment practice. Equality of

opportunity for all sections of the community and our workforce is an integral part of this commitment.

Canterbury City Council will not tolerate less favourable treatment of anyone on the grounds of their gender, age, race, colour, nationality, ethnic or national origin, disability, marital or civil partnership status, pregnancy or maternity status, sexual orientation, gender reassignment status, responsibility for dependents, religious or other beliefs, socio-economic status, or any other reason which cannot be shown to be justified.

2.0 Making an application to becoming a taxi/phv driver

An applicant must fulfil each requirement of the application process in the following order before moving onto the next stage.

IMPORTANT

Any failure to disclose any relevant information, the provision of false information, a false declaration, an omission etc no matter how minor, or how old, or how irrelevant the Applicant considers the information to be, **will result in immediate refusal** of the application and an entry being made on the NR3S Register.

An application will be immediately refused if the form has been submitted by a third party on behalf of the Applicant by a third party, eg employer, operator, partner, spouse etc; it remains the responsibility of the applicant to ensure that the information submitted is complete and accurate.

It is the legal duty of the Licensing Authority to consider whether the information is relevant to the application, not the applicant, legal representative or third party.

Types of driver licence

There are two types of driver licence, taxi and private hire:

- Taxi – a taxi (hackney carriage) driver may be 'hailed' by a passenger, park on a taxi rank in the Canterbury district, waiting for passengers or be booked by a passenger.

Note: The terms taxi and hackney carriage have the same meaning. In this policy the word "taxi" will be used.

- Private Hire – a private hire driver can only undertake a pre-booked journey that has been assigned through a Canterbury City Council licensed Operator (the driver can also be the licensed Operator). In this policy a private hire vehicle is also referred to as a PH vehicle.

Applicants may apply for a 'dual licence' that allows a driver to drive both types of vehicle.

All drivers' licences can be granted for a period of up to three years (Section 10 *Deregulation Act 2015*) from the date the council decides that a disclosure and barring report is satisfactory. This is the disclosure and

barring service date (DBS). An Applicant can choose a licence period of one or three years and pay the appropriate fee.

Requirement 1 – "fit and proper person"

'Fit and proper person/safe and suitable'

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. (The test also applies to operators to determine whether they are 'fit and proper persons/safe and suitable').

In layman's terms the question to ask is "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 the day or night?"

Note: the modern term for 'fit and proper' in the Institute of Licensing's Guidance is 'safe and suitable'.

All operators and drivers must show that they are a 'fit and proper person/safe and suitable' before being granted a licence.

If the council is not satisfied that an applicant is a 'fit and proper person/safe and suitable' for any reason, it will not grant a licence and will explain to the applicant in writing what the reasons are for that decision together with notification of the applicant's right of appeal.

Note: Applicants may wish to consult with the council if they have any doubts whether their application might be unsuccessful because of a criminal record, serious health issue or other matter.

Requirement 2 – Driving licence

All Applicants must have been the holder of a full UK or European driving licence for a minimum period of 24 months. Before applying for a driver licence with the council, you must exchange any EU licence for a UK licence. If the Applicant fails to meet this requirement, the application will be rejected.

Requirement 3 – Driver and 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 sooner if the council believes that there is reason to do so. Each Applicant must obtain and supply to the council, a DVLA Check Code to enable the check to be made.

Requirement 4 – Operator

If the applicant has an agreement to work with a Canterbury City Council licensed operator, they should inform us which company they will be working for on their application form. If this has not been agreed at this stage, they must inform us, as soon as they do have an agreement to work for a company, or whether they will be working for themselves. If a successful applicant later changes which Operator they are working for, they must inform us.

Requirement 5 – Information to provide with the application

Applications should be made via our website. If you are unable to apply online please contact us for advice.

A member of staff will check whether the application form is correct. If the application form is incomplete, the application will not be accepted.

An Applicant must produce documents, without exception, to prove their identity, home address and Right to Work. One of the documents must contain a photograph.

The following documents are acceptable:

- current passport
- current driving licence
- UK birth or marriage certificate
- a recent utility bill or council tax bill with the applicant's current address
- the applicant's national insurance number

Plus

- utility bill
- bank statement
- P45 or P60

Plus

- two passport size photographs

Requirement 6 – Disclosure and Barring Service (DBS) check

An officer must complete the form for an Enhanced DBS check for an Applicant at the same time that his/her application form is checked.

The DBS certificate fee is included in the initial application fee and is paid to the Bureau by the council. If the Applicant has his/her own DBS subscription to the DBS Update Service, the original Enhanced DBS Certificate must be provided to the council and the application fee can be reduced to reflect this. **If a licence is granted, the licence holder must join the DBS Update Service, unless already subscribed.**

Applicants must normally complete the application process within a period of 12 months from the date the council receives a satisfactory DBS check.

Where an applicant has lived or worked outside the United Kingdom for a continuous period of three months or more as an adult, the council will require appropriate criminal record information for the relevant country or countries. This requirement applies irrespective of the applicant's nationality, any fees associated with these checks must be met by the applicant.

Where, having considered the available information and any alternative evidence provided, the council is not satisfied on the balance of probabilities that the applicant is a fit and proper person to hold a licence, the application may be refused.

Notes:

1. No application will proceed further until the DBS or equivalent checks have been completed.
2. The council has no control as to how long the checks will take as they are conducted by an independent government agency.
3. All applicants for a taxi and/or private hire driver's licence will have their details passed to the Home Office Immigration Department to ensure they are entitled to reside and/or work in the United Kingdom.
4. 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 the process. The burden to establish validity lies with the Applicant.

Where the DBS check has revealed information that means the application must be referred to an officer with Delegated Authority or Licensing Sub-Committee to consider whether the Applicant is 'safe and suitable' before being issued with a licence, the application may not proceed until a decision has been made. Hearings are held once per month.

Requirement 7 - Training and the knowledge test

All applicants must undertake taxi/PH-specific training and pass the appropriate knowledge test. The test is divided into modules. The pass mark for each module is 80%. If an applicant fails any module, the whole test must be retaken.

Applicants may take the test up to four times during the 12 month period from the date that the council receives a completed satisfactory DBS check or the applicant is given officer/committee approval to proceed where the DBS check has raised concerns (the DBS date). A fee is normally payable for each re-sit.

The period for the test may be extended where appropriate, eg on medical grounds at the discretion of the officer conducting the test.

The test includes questions on the following topics:

1. the taxi and private hire policy
2. routes in Canterbury, Herne Bay and Whitstable
3. the Highway Code
4. matters covered in the training

Child Sexual Exploitation and Safeguarding Training

All applicants will be required to attend an approved training session that is specifically for taxi and private hire drivers before a badge is issued. A fee will be payable to the council if the course is provided by the local authority. If the course is provided by an approved external provider, any fee must be paid directly to the course provider.

English assessment

If the application has been correctly completed, an officer will assess whether the applicant has a reasonably adequate standard of English to be a taxi or private hire driver.

Outcome of English assessment:

If the applicant wishes to challenge the assessment, another officer from the council will assess the applicant's ability to speak English; this will be conducted during the conversation when the application is submitted. If the officer is not satisfied the applicant must undertake a council approved test at the applicant's expense. If an applicant wishes to use another course provider, the applicant must submit the course provider's prospectus for the council to assess whether the proposed course meets the council's requirements.

Requirement 8 – Driving standards test

Applicants must pass a driving assessment for taxi/PH drivers. Applicants must pay the fee for this course and assessment to the approved tester. The applicant must submit the original pass certificate to the council for inspection.

Applicants may take the test any time after passing the Knowledge Test.

Requirement 9 – Medical examination

Applicants must undergo a medical examination at their own expense to certify that they are medically fit to work as a taxi/PH driver. This can be conducted by the Applicant's own GP or if they wish to attend another medical practice they must produce their medical records to this facility.

Any fee is payable to the doctor concerned.

Spent convictions

1. All Applicants for a taxi and/or private hire driver's licence **must declare any convictions that have been recorded against them in both the UK and elsewhere**, including any spent convictions, or cautions, reprimands, community resolutions, other disposals etc.¹
2. **The council will always consider the protection of the public as its paramount consideration before granting/renewing a licence.** A person with a current conviction or unspent conviction for a serious criminal offence need not be permanently barred from obtaining a licence. However, that person will be expected to remain free of conviction for the periods detailed in the Institute of Licensing's Guidance, *Suitability Guidance* (subject to the circumstances of each individual case), before the council will consider an application. The council will consider each case on its own individual merits. The council will calculate the period from the completion of any sentence.

The disclosure of a criminal record or other information will not automatically prevent the grant of a licence.

In making a decision, the council will take into account the following when applying the '*Suitability Guidance*':

- the nature of the offence(s)/behaviour
- how long ago the offence(s)/behaviour was/were committed
- what the age of the applicant was when the offence(s)/behaviour was/were committed
- any other factors that might be relevant eg sentence, status of any victim, aggravating features, mitigation etc.

Spent convictions will become relevant where they show a course of conduct on behalf of the Applicant. For example, a number of convictions for violence, even where spent, may indicate a real risk to passengers which may not arise from an isolated offence committed a number of years ago.

Issue of log book and badges

Once an Applicant has satisfied all 10 requirements, the council will issue the Applicant with an electronic certificate, two driver badges and a lanyard (if requested).

The licence certificate is an important record. Drivers must be able to produce it at any time.

The driver must wear and display a driver's badge whenever he/she is working as a taxi/PH driver.

¹ Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Schedule 1, Part 3 as amended

The driver must display the second badge on the dashboard of the taxi/PH vehicle whenever he/she is working as a taxi/PH driver.

Refusal

If a licence is not granted, the council will give the applicant a written copy of the decision with reasons promptly together with details of the applicant's right of appeal. See section 7.

3.0 Making an application to licence a taxi or private hire vehicle

3.1 Vehicles purchased to use as owner/driver taxi or private hire vehicles

A driver may use their own standard vehicle as a taxi or private hire vehicle if it is:

1. no older than five years from the date of first registration*
2. Large family saloon or bigger
3. Fits a standard wheelchair in boot (see below)
4. Clear HPI (Category A, B, S or N insurance write offs are not accepted)
5. No accident damage
6. The MOT must be less than two months old
7. You must provide date-stamped photos of the interior and exterior of the vehicle
8. All MOT advisories must be rectified before application

* All references in this policy to 'first registration' relate to registration of the vehicle with the DVLA, unless the vehicle has been imported, in which case it is the date it was first registered in the country it was made in.

We will not accept a vehicle that is in poor condition, this judgement is at the officer's discretion.

Owners of brand new vehicles will not be required to provide a MOT certificate until the first renewal of vehicle's licence, unless on inspection an officer requires one, eg after inspecting accident damage.

The council will only accept a vehicle application form if the owner/licensed driver has insurance, proof of sale/loan agreement, V5 logbook and any other documents required, in the same name. Insurance certificates must be for a period of 12 months; monthly insurance certificates will not be accepted.

All licensed HCV/PHV vehicles must be capable of carrying a 'standard sized' wheelchair (see below) in the boot of their vehicle. In the case of a saloon car, when collapsed, the wheelchair should be able to lie on its side without having to move rear seats and so that the boot can close.

It remains the owner/driver/purchaser's responsibility to ensure that a 'standard wheelchair' fits properly within the boot of their vehicle and not the council's. Should it be found at any later inspection, that a vehicle cannot fit a 'standard wheelchair' in its boot as described, that vehicle may have its licence withdrawn.

STANDARD WHEELCHAIR DIMENSIONS



If a vehicle is Wheelchair Accessible (WAV) it must be Euro 6, under 10 years old and comply with points 4-8 from above.

All vehicles will be subject to an inspection prior to a licence being issued.

All Taxi's/PH vehicles must be in a roadworthy condition and both drivers and vehicles must comply with all UK legislative requirements (e.g. Road Vehicles (Construction and Use) Regulations 1986, Road Traffic Act 1988 et al). This is already enshrined in legislation for every vehicle on the road.

Where a Taxi/PH vehicle has tinted windows, these should comply with the manufacturer's specifications for that vehicle, windscreens must be able to allow at least 75% light transmission and both front side windows must allow at least 70% light transmission.

Only standard vehicles colours are permitted, Hackney vehicles may not be white.

Wedding cars and funeral cars are exempt from the requirement to be licensed.

A vehicle plate is granted for a period of 12 months and the application for renewal must be submitted at least one month before the expiry date. Valid insurance and MOT test certificates must be produced to the council before a plate is issued.

Vehicle proprietors will be required to have an annual basic DBS check if they are not subject to the driver bi-annual enhanced DBS check.

3.2 Refusal

If a licence is not granted, the council will give the applicant a written copy of the decision with reasons promptly together with details of the applicant's right of appeal. See section 7.

4.0 Making an application to become a Private Hire Operator

4.1 Applicants will need to provide the following documents:

- Enhanced DBS for the applicant, or all directors if applying as a company
- Evidence of Right to Work (British passport or NI number)
- Company registration certificate if applying as a company
- Evidence of a premises based in the district
- Policy on employing ex-offenders

Where an applicant/company director has lived or worked outside the United Kingdom for a continuous period of three months or more as an adult, the council will require appropriate criminal record information for the relevant country or countries. This requirement applies irrespective of the applicant's nationality, any fees associated with these checks must be met by the applicant.

Operators should apply for a new DBS at least three months before its expiry date unless they are paying the annual fee to the DBS Update Service; operators are recommended to use the DBS on-line facility as (a) it is cheaper and (b) avoids any delays in the paper system. Future renewal dates will be dated for 12 months from the expiry date of the existing DBS check.

An **operator's licence** is granted for a period of one to five years. The fee for an operator's licence is (a) pro-rata for the period applied for and (b) based on the number of Private Hire vehicles that they operate. An operator must also fulfil the test to be a 'fit and proper person/safe and suitable' to hold a licence.

It is the responsibility of the Operator to ensure that the council has their current telephone number and email address at all times. You must regularly check for and read any emails sent by the Licensing Authority. You should ensure that emails from '**@canterbury.gov.uk**' are not classed as junk/spam.

All Operators will be sent a copy of CCC's Taxi and Private Hire policy document and are expected to familiarise themselves with it and comply with the contents therein.

Where, having considered the available information and any alternative evidence provided, the council is not satisfied on the balance of probabilities that the applicant is a fit and proper person to hold a licence, the application may be refused.

Refusal

If a licence is not granted, the council will give the applicant a written copy of the decision with reasons promptly together with details of the applicant's right of appeal. See section 7.

- 4.2 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.

5.0 Making an application for renewal of a licence

The council does not issue renewal reminders. Taxi/PH drivers, vehicle owners and operators are responsible for keeping their paperwork up to date to keep their businesses operating.

5.1 Drivers

A driver's first licence expires a maximum of three years from the date of issue. Subsequent licences usually expire 12 months, two or three years from the licence renewal date (depending on what was applied for and the applicant's right to work).

The application must be received at least one month before the current licence expires. The council will not accept applications for renewal after the expiry date, the application will be treated as a new application.

Drivers renewing must be on the DBS Update Service and have the Right to Work and a current medical.

Drivers will need to provide a DVLA Check Code and a Tax Check Code at renewal.

5.2 Vehicles

Vehicles licences can be granted for a maximum period of one year. Renewal applications must be made one month before the licence expires. If a renewal is not completed before the due date the vehicle cannot be used as a licensed taxi/PH vehicle until it is licensed again.

Vehicle owners will be required to present a current insurance and MOT certificate.

Current photos of the vehicle (inside and outside) will need to be provided and the vehicle will be inspected.

5.3 Operators

Operator's licences last one to five years from the date of the licence. An operator must make a renewal application at least one month before the current licence expires.

Operators renewing must be on the DBS Update Service or provide a new DBS. They must also provide a Tax Check Code and specify the number of PH vehicles they are operating.

IMPORTANT

Failure to renew a licence, a DBS check, medical certificate or DVLA disclosure means that a driver or operator is not entitled to drive by this policy 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.

6.0 Ongoing requirements for drivers, vehicles and operators

6.1 Drivers

- All drivers must subscribe to the DBS Update Service following an Enhanced DBS check. The driver must present the original paper DBS certificate to the council upon application. If the driver is already registered on the Update Service when they apply, they must be able to present their original paper DBS Certificate. Otherwise they will be required to have another full Enhanced DBS check. The applicant must maintain the annual subscription with the Update Service at all times, failure to do so may result in action being taken against any licence granted.
- A medical certificate is valid for a period of three years up to the age of 70 years. Once a driver is 70, he/she needs a new medical certificate each year. A medical certificate should be renewed at least 14 days before its expiry date.
- Driver and Vehicle Licensing Agency Disclosure - the renewal of a licence is subject to a check being made with the DVLA in respect of any relevant convictions. The check is carried out every six months or sooner if the council thinks it necessary. Each applicant must obtain and supply to the council, a DVLA Check Code to enable the check to be made.
- Disability equality training - The Secretary of State will set the standard of the disability equality training undertaken by taxi and private hire drivers. All new and existing drivers will be required to complete the national test and pay any fee directly to the course provider. If the timetable is not set by the Secretary of State, drivers will have a maximum of 12 months from the date of implementation to complete the training. Failure to comply with this requirement may result in enforcement action.
- Child Sexual Exploitation and Safeguarding Training for Taxi drivers - All new drivers will be required to pass an approved training session. Refresher training will also be introduced. A fee may be payable to the council if the course is provided by the Local Authority. If the course is provided by an approved external provider, any fee must be paid directly to the course provider. Failure to comply with this requirement may result in enforcement action.

- Other training and requirements may be added in accordance with Government guidance.

IMPORTANT

If any of these badges, certificates or checks have expired, the driver will not be able to operate as a taxi/PH driver until the relevant documentation has been submitted. If a driver operates otherwise than in accordance with the policy and conditions, the licence may be suspended or revoked.

Replacement badge and plates

Licence holders must pay a fee for replacing lost or stolen badges and plates.

Payment

All Hackney Carriage/Private Hire drivers must have the ability to accept a card payment.

No fee can be added to the fare for taking a card payment and no minimum spend permitted.

Drivers must accept cash or card, no fare refused

Licensed taxi and private hire driver conditions

All Taxi/PH drivers will be sent a copy of CCC's Taxi and Private Hire policy document and are expected to familiarise themselves with it and comply with the contents therein.

It is the responsibility of the driver to ensure that the council has their current telephone number and email address. You must regularly check for and read any emails sent by the Licensing Authority. You should ensure that emails from '@canterbury.gov.uk' are not classed as junk/spam.

All drivers must:

Behave in an orderly and professional manner at all times and be courteous to their passengers, the public, council officers and other road users.

Be clean and tidy in appearance and dress in a manner that will not cause offence or embarrassment to passengers or other members of the public.

The driver must not wear:

- shorts – unless tailored, ie no football, sports, Hawaiian style or garish shorts
- sleeveless vests
- tracksuit tops and/or bottoms.

All drivers must notify the council of any change of employment/contract within the taxi or private hire trade within 14 days of that change.

A driver must wear his/her driver's badge in the approved holder, it must be clearly visible when working; this can either be a lapel clip, lanyard (which the council provide) or armband.

Drivers will be provided with an additional badge which they must display inside the vehicle at all times when they are driving a licensed vehicle where it may be easily seen by all passengers. It should be placed on the dashboard or, in the case of a purpose built taxi, on the partition.

A driver must report the loss or theft of a badge or window licensing sticker to the police and to the council, quoting the police reference), as soon as possible, or in any case within 24 hours, so that a replacement can be issued. A fee is payable for the replacement of a badge or stickers.

A driver must notify the council in writing of any permanent or temporary change of address within seven days. A form is available on our website.

If a driver is disqualified from driving by the courts for any period of time, his/her driver's licence and badge will be automatically revoked by policy and must be surrendered to the council immediately.

If a driver is reported or arrested by Police for an offence, convicted, cautioned or given a resolution of any type, or bailed by the police or the court, or released under investigation in the UK or elsewhere:

- a) for a traffic offence; or
- b) is issued with a fixed penalty notice for a traffic offence;
- c) for any other criminal offence

He/she must report it to the council within 48 hours, or in the case of a fixed penalty notice 14 days from date of issue.

If required to do so by an authorised council officer or police officer, a driver must stop the taxi/private hire vehicle and remain with that officer until permitted to move off.

An authorised council officer is an officer who has been given an authority in writing to deal with the enforcement/compliance of this policy

A driver must notify the council promptly (within two days) of any illness that would prevent him/her from driving or cause his/her driving licence to be suspended or revoked by the Driver and Vehicle Licensing Authority (DVLA). In these circumstances the driver's licence will be suspended until (i) the DVLA has lifted the suspension/revocation and (ii) a medical certificate is produced to the council stating that (a) the driver is fit to drive and (b) the certificate addresses the particular illness or, condition that the driver has notified to the council.

A driver's licence and badge remain the property of the council at all times. Drivers must return their taxi or private hire licences and badges to the council on request.

A driver or person responsible for a licensed vehicle must produce on request to an authorised council officer or a police officer:

- a) the taxi/private hire vehicle licence certificate, including the latest edition of the policy
- b) his/her driver licence/badge.

If any property is left in the vehicle by a passenger or it is handed to the driver, the driver must notify the nearest police station within 24 hours unless the property is claimed by the owner of that property. The driver is under a legal duty to take appropriate care of the property and to ensure that if it is returned, that person is lawfully entitled to possess the property or act as agent for the owner.

Drivers must not drive a taxi/private hire vehicle if they no longer hold, or have had suspended or are disqualified from holding a DVLA UK, European Economic Area or Northern Ireland driving licence.

Medical fitness

Drivers must have a medical examination as set by the council when they apply for a new licence (not a renewal) and thereafter every three years until they become 70. Once a driver is 70, he/she will need to obtain an annual medical examination certificate for production to the council. If a driver does not provide an updated medical after the three year period, they may not drive until such a time as they provide a valid medical certificate.

If a licensed driver appears or is reported to an authorised officer to have problems relating to alcohol consumption or the use of prescription or other drugs they will be required to attend an enhanced medical examination at a medical centre chosen by the council. Failure to attend such a medical will result in the revocation or suspension of the driver's licence.

If a driver is declared unfit to work due to a medical condition, he/she must notify the licensing authority within two days of that declaration and before they return to work as licensed driver, must produce a medical certificate that they are fit to work.

Eyesight

Drivers must meet the eyesight requirements specified by the Driving Standards Agency driving test. This can be done by wearing contact lenses or spectacles.

Failure to do so will result in the revocation or suspension of a licence until the driver's eyesight has been corrected to pass the test.

Smoking and alcohol

Drivers and passengers are not allowed to smoke cigarettes, cigars, pipe, electronic smoking devices, vapes etc or drink alcohol during the course of any journey.

6.2 Vehicles

On 22 June 2022 the council, at a Cabinet meeting resolved to amend the policy as follows:

1. Existing Euro 5 petrol or diesel vehicles would be licensed until 1 August 2024 unless wheelchair accessible, subject to the additional recommendations made in part 10.
2. No new applications for Euro 5 vehicles would be granted from 1 August 2022 or the date of any amendment to the policy by Cabinet, whichever date was the earliest.
3. Euro 6 petrol diesel vehicles will be licensed until 1 August 2030 maximum, unless wheelchair accessible
4. That it was to be determined if the entire fleet should be all electric and this would be considered as part of the next full policy review in 2026
5. That all battery electric vehicles would be licensed for seven years and then up to 10 years depending on the annual inspection.
6. That all new vehicle applications must be for at least a plug-in hybrid vehicle (PHEV) from 1 August 2026 to be licensed for up to seven years, subject to the additional recommendations made in part 10.
7. That all new vehicle applications must be for battery electric vehicles (BEV) from 1 April 2030 to be licensed for up to seven years but extended to 10 years subject to annual inspection.
8. That Cabinet kept the policy under review and considered whether further changes were necessary to respond to developments in technology and infrastructure.
9. That the Taxi and Private Hire policy would be subject to its next full review in 2026.
10. Grandfather rights would apply to any vehicle that was licensed under the 2021 policy subject to them passing tests required.

Licensed vehicle duration

Once licensed, a taxi/PH vehicle is always a licensed vehicle during the period for which the licence is in force regardless of the use to which it is being put and can only be driven by a licensed driver, ie if a driver fails to renew their driver's licence or their licence is suspended or revoked they cannot drive any taxi or PH vehicles under any circumstances, including using the vehicle for private, social domestic or pleasure.

From the published date of this policy, a standard vehicle will normally be licensed for a maximum period of ten years from the date of first registration.

All London taxi and purpose built MPVs such as a Mercedes VITO, Peugeot E7 or VW Transporter etc will normally be licensed for a maximum period of 15 years from the date of first registration. It is acknowledged that the purpose-built vehicles are designed and manufactured to operate well beyond 15 years and this will be taken into account at the annual inspection on renewal.

A wheelchair accessible vehicle (WAV) will normally be licensed for a maximum period of 15 years from the date of first registration but in exceptional circumstances this may be extended provided the vehicle passes an inspection, conducted by a BSU officer/enforcement officer/licensing officer to assess overall condition, mileage, service record, accident damage history etc

A saloon/estate or MPV based on a saloon will not be licensed for more than four passengers if seats for additional passengers are directly in the boot against the rear door for health and safety reasons, ie positioning of doors, exit doors and size of seats.

Licence plates

Licensed vehicles must at all times be plated. In the area of Canterbury City Council, plated means the internal use of a small white licensing plate, the internal use four sticker plates and the external use of a hard plastic plate.

Placement and use of vehicle licence plates on taxis

- A small white plastic licensing plate with the vehicle licence number on it will be displayed inside the vehicle, which must be clearly visible to all persons in the vehicle.
- A large plastic vehicle plate must be displayed externally on the rear of the vehicle
- Plates must not be obscured from view or be defaced
- All plastic plates and sticker plates will be provided by the council and remain the property of the council at all times

Every Taxi/PH vehicle will be issued with four window licensing plate stickers which must be affixed to the inside window of each Taxi/PH in the following locations:

- The front nearside windscreen
- The rear windscreen
- Both nearside/offside rear passenger door windows

Signage

All window licensing stickers must be placed in a safe position where they are clearly visible from the outside of the vehicles at all times.

All taxis must display continuous black and white chequered squares along the entire length of both sides of the vehicle. The chequered squares shall be three rows of chequers. The only class of licensed taxi exempt from this requirement is a London cab. Stickers or transfer signage must be used (not magnetic).

All plates, signage, chequers etc must be displayed in accordance with this policy unless the council has granted a written exemption, eg PH vehicles that only undertake Executive work.

All licensed private hire vehicles must display an appropriate notice supplied or approved by the council stating that the vehicle must be pre-booked, externally on both sides of the vehicle.

If a licensed vehicle is being used without the appropriate signage the licensing regime will consider any breach or non-compliance as a serious matter and this will be dealt with accordingly.

Taxi roof signs

Licensed taxis must display a roof sign capable of being illuminated with a white light bearing the word TAXI facing to the front of the vehicle. The sign must be illuminated at all times when the vehicle is available for hire. Such signs must comply with the *Road Vehicles Lighting Regulations 1989*.

The specifications of a free-standing taxi roof sign is a minimum of 355mm (14 inches) in length and 115mm (4.5 inches) in height with lettering of 75mm (3 inches).

London Cabs must comply with the requirements of Transport for London (TfL) <http://tfl.gov.uk/> A London cab cannot be licensed as a private hire vehicle.

Vehicles will be subject to an annual check by council officers to ensure that exterior and interior standards are maintained, ie no dents, damage, rust, decolourisation, dirty/torn seats, tatty interior etc. Business Support, Licensing Enforcement and Licensing officers have delegated authority to conduct annual inspections with a final discretion exercised by the SODA (Senior Officer with Delegated Authority).

MOTs

All taxis and PH vehicles must have two MOT tests each year at six monthly intervals (brand new vehicles are excluded for the first 12 months since first registration). All MOT advisories should be rectified as soon as possible to ensure the vehicle remains safe at all times.

Window tint

There is no restriction to the level of tint for the glass windows in the passenger compartment. However, for the safety of passengers, tinted glass in the windscreen and front doors must be restricted to the manufacturers' standards.

Daily checks

A licensed vehicle must be checked for safety by its driver before commencing work each day.

Drivers should regularly check their vehicles for lost property, any items found should be reported to the Business Support Team and your Operator so that they can be returned to their owner.

Annual checks

Vehicles will be subject to an annual check by council officers to ensure that exterior and interior standards are maintained, ie no dents, damage, rust, decolourisation, dirty/torn seats, tatty interior etc. Business

Support, Licensing Enforcement and Licensing officers have delegated authority to conduct annual inspections with a final discretion exercised by the SODA.

Specialist vehicles

Officers with delegated authority may grant a taxi or private hire vehicle licence for specialist vehicles, eg classic/vintage cars, camper vans, limousines, horse and carriage, Tuk Tuks, pedicabs etc where businesses are required to have a licence by legislation but they are not a typical taxi or phv business.

Luggage

All taxis and private hire vehicles must have adequate and secure storage for carrying luggage for the number of passengers carried.

Vehicle registration mark (VRM)

All the vehicles registration marks, also known as number plates, must comply with DVLA requirements and regulations.

Damage to licensed vehicles

Any damage to a licensed vehicle must be notified to Business Support within 72 hours, an accident form must be completed. Unless the vehicle is so severely damaged that it will never again be serviceable as a licensed vehicle, the council may make an appointment for the driver to produce the vehicle for inspection.

If the council considers that the damage to the vehicle is so serious that the vehicle is not fit to be used as a taxi or private hire vehicle they will suspend the vehicle licence until the damage has been repaired to their satisfaction.

In some cases the council may require inspection at a garage to certify that the vehicle is fit to return to service as a taxi or private hire vehicle before reinstating the vehicle licence.

Transfer of ownership/surrender of a taxi/PH

Forms must be completed and delivered to the council by the seller and the buyer within 14 days after any taxi or private hire vehicle is sold or ownership is transferred to another licensed operator or driver.

If the vehicle is not being transferred to a licensed operator or driver, all plates must be returned to council within 14 days from the sale date.

The council will revoke the vehicle licence plate automatically if this is not done.

If a vehicle licence plate has at least six months left to run when a vehicle is sold or transferred, 50% of the fee will be credited to the original driver's/owner's account.

Advertising on taxis

The only lettering permitted on a licensed vehicle without prior written authority of the Licensing Authority is the proprietor's name or the name

of his/her business above a telephone number on the front door panels of the vehicle. The maximum size of each letter or number is 150mm x 75mm; fluorescent colours are not permitted.

Written applications for advertising otherwise than in accordance with the policy, ie other signs, letters, motifs, emblems, marks, figures, notices, advertisements or devices will be considered by the Licensing Authority.

No lettering or advertisement is permitted on any window or glass panel of a vehicle.

Advertising on glass will not be permitted under any circumstances although purely warning notices such as 'no smoking', 'no food and drink' cctv etc may be displayed on the rear glass panels.

The council will charge an administration fee for considering whether to grant approval of any non-standard lettering or advertisement on a taxi.

Only providers of licensed taxis should be allowed to describe themselves using the word "taxi" on vehicles or in advertising materials.

Flags, stickers, notices etc on taxis and PH vehicles

Flags in support of a team participating in major international sporting events such as Home Nations in the World/European cup finals (this does not include qualifiers), or events of significant national celebration, eg Royal jubilee, royal wedding etc may be flown from a licensed vehicle; the flag may up to 300mm x 450mm.

No notices, stickers relating to political parties, campaigns etc are permitted. Any other articles placed, hung etc in or on the vehicle must have approval of a council officer; such items must not compromise public safety.

Licensed taxi and private hire vehicle conditions

Equipment

The licensed vehicle must carry the following equipment:

- a. Fluorescent vests; enough for driver and all passengers
- b. Warning triangle

Equipment must be marked with an indelible pen with the registration number of the vehicle.

Loss or theft of a vehicle plate /notice

A driver must report the loss or theft of a licence plate or notice to the police and to the council (quoting the police reference) as soon as possible or in any case within 24 hours so that a replacement can be issued. There is a fee payable for the replacement of a plate.

Insurance and registration of vehicle

Individuals

The registered owner of a licensed taxi or private hire vehicle is usually the person who will be registered, licensed and insured for that vehicle. If not, then the driver must present written confirmation that the owner of the vehicle approves for it to be driven by the named driver only.

Company

Where the registered owner of a licensed taxi or private hire vehicle is a company, the vehicle must be registered, licensed and insured in the name of that company.

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.

Directors and partners will be required to provide an annual basic DBS check if they are not subject to the bi-annual enhanced drivers DBS check.

Any failure to comply with any of these licensing conditions may vitiate a vehicle insurance policy.

Smoking

A driver may not smoke a cigarette, pipe, cigar, including electronic/vapour devices etc, at any time in a taxi or private hire vehicle, irrespective of whether there is a passenger in the vehicle or not. A taxi or private hire vehicle is considered to be a place of work. Passengers are also not permitted to smoke or vape in a licensed vehicle.

Alcohol

If an authorised officer of the council considers that it is appropriate, they can ask a driver to participate in an alcohol screening test. The driver is not obliged to comply with the request but failure to do so may result in the officer reporting any concerns to the police.

Maintenance and appearance

The licensed vehicle and its fittings, must at all times when it is available for hire, be:

- a. safe
- b. tidy
- c. clean
- d. in roadworthy condition

and comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including the *Motor Vehicles (Construction and Use) Regulations*.

Remoulded/re-treaded tyres may not be fitted to a taxi or PH vehicle.

Insurance, MOT and vehicle Tax

A licensed vehicle must not be used as a taxi or private hire vehicle unless there is a current MOT certificate, current certificate of insurance and current vehicle Tax in force.

Proof of vehicle Tax must be produced when insurance and test certificates are produced.

IMPORTANT

If any of the above documents, certificates, licence etc lapse, the vehicle cannot be used until a valid document is produced.

Taxi and Private Hire documents

The current edition of the policy should be accessible in the vehicle at all times; this can be an electronic or hard copy. The policy must be available to officers when drivers attend the council offices. Production of either an electronic or hard copy version of the policy is permissible.

Production of documents, certificates, log books etc

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

Taxi meters

If a taxi has been hailed or engaged at a taxi rank by a passenger, a meter must be used and display the fare that will be charged. It is a matter for the driver if they will accept payment which is less than that shown on the meter, but a driver cannot ask for an amount which exceeds the sum displayed on the meter. If the journey will exceed the 'compellable distance' (at least 7 miles outside of the Canterbury District boundary) then the driver is permitted to arrange a pre-agreed fare with the customer. They must agree to this amount before the journey commences, otherwise the meter must be used.

"The driver will:

- Use the meter within the licensed area.
- If using the meter, not start the meter until the passenger is seated in the vehicle.
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversion, and explain any diversion from the most direct route."
- It is unacceptable for a Taxi driver to ask for or agree a fare from a customer upfront or during a journey which is within the compellable distance (i.e. within seven miles from the boundary of the licensing area).

Any journey taken by a customer in a Taxi which is within the compellable distance must be made using the taxi meter. It is the responsibility of the Taxi driver to start their meter at the beginning of each journey and to stop it at the end.

Taxi and private hire bookings

If a passenger has booked a taxi or private hire vehicle and the driver is late or does not attend the booking without good reason, the matter will be investigated and if necessary, referred to a Delegated Officer/Licensing Sub-Committee to consider suspension/revocation of the licence.

Good reason may include accident, illness, vehicle failure etc and the driver has done everything that a reasonable person could have done in the circumstances to arrange an alternative vehicle or driver.

Taxis picking up passengers outside their licensed area must comply with a "pre-booking" requirement (they cannot be hailed or pick a fare up from a rank). As a pre-booked fare, (a) the passenger must be provided with an estimate of the price in advance of the journey and (b) records of the fare must be kept.

Taxis are not required to keep pre-booking records for passengers picked up in their licensed area.

Passengers wishing to use PH vehicles may do so by pre-booking only. PH vehicles must not loiter or wait by/next to any taxi rank or at any station. They may, however, pick up or drop off at these locations, but must then go.

Additional conditions applying to (stretch) limousines (LPH)

The number of passengers any stretch limousine is licensed to carry will be a maximum of eight. A vehicle may be licensed for a maximum of ten years.

The vehicle may be left or right hand drive. Operators of all stretched limousines making applications for lph vehicle licences will be required to produce proof of individual vehicle approval issued by the vehicle and operator services agency (VOSA).

There is no restriction to the level of tint for the glass windows in the passenger compartment. However, for the safety of passengers, tinted glass in the windscreen and front doors must be restricted to the requirements of individual vehicle approval standards in line with the current standards of VOSA.

Drivers of stretched limousines must receive training on how to attend to, and help, passengers with disabilities. Records of this training must be kept with the vehicle licensing log book.

No sales of alcohol shall be included within the vehicle's hire fee. (This includes 'hidden sales').

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

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.

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

An lph will not be plated as a taxi or private hire vehicle; it will always be plated within the limousine (lph) category.

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

Motorcycle private hire vehicle conditions (mphv)

A mphv must be suitable for the purpose of carrying a passenger and appropriate luggage.

Mphvs must meet appropriate motorcycle design and construction standards as set out in any applicable and relevant EU standard and must not be modified in any way.

All mphvs must meet current exhaust noise and emission standards.

All mphvs must be fitted with an ABS braking system.

All mphvs must have two MOT tests each year at six monthly intervals (brand new vehicles included) and produce the motorcycle service book at each service.

Mphv licensing plate must be displayed on the rear of the motorcycle. Signage must not interfere with the safety or operation of the vehicle.

A vehicle may be licensed a maximum of ten years. There is no minimum vehicle age restriction; the Licensing Officer will consider each vehicle on its individual merits taking into account condition, mileage and service history. An application may be submitted on an annual basis to extend the period provided the vehicle passes an inspection, conducted by a BSU Officer/Enforcement Officer/Licensing Officer to assess overall condition, mileage, service record, accident damage history etc.

'Motorcycle rider', all references to 'driver' applies equally to 'rider' where appropriate.

A licensed motor cycle rider (a licensed rider) shall comply with the council's conditions for licensed private hire vehicle drivers and the additional requirements listed below.

Both the licensed rider and passenger must comply with the requirement to wear a safety helmet. The licensed rider must offer hygienic inserts for the helmet although the passenger is not obliged to use them.

Motorcycle passengers must be offered a set of protective clothing to wear although there is no legal requirement for them to wear it.

There must be a licensed rider/pillion passenger intercom system linked through the safety helmets.

Passengers under the age of 16 must have written parental consent before riding on the motorcycle. All passengers must be able to reach the footrests and grab handles.

Licensed riders must have held a full motorcycle licence for a minimum of five years and demonstrate that they have driven motorcycles of at least 750cc engine capacity for at least 100 days per annum or for 1,000 hours per annum during that period.

Licensed riders must have passed a motorcycle riding test of the Institute of Advanced Motorist/RoSPA or equivalent, this is in addition to a full DVLA driver's licence of the correct category.

All licensed riders will have a current medical and DBS check at all times when operating a motorcycle phv.

Children and young persons

If a driver carries a child under the age of 12 months the child must be in an appropriate child seat if provided by the parent, guardian, carer, KCC, school etc, anchored by a seat belt. If the child is carried in this way in the front seat the air bag must be turned off in accordance with the seat manufacturer's guidance.

Children between the ages of one to 14 years must be seated in the rear of the vehicle using a child seat or booster cushion, if provided by the parent, guardian, carer, KCC, school etc anchored by a seat belt, in accordance with the seat manufacturers' guidance.

If a 'passenger assistant' is employed by a driver/or operator they must have been approved by and issued with the appropriate badge by Kent County Council.

Employers and operators are required to supervise, monitor and train escorts to maintain the highest safeguarding standards. Training includes ensuring that escorts are familiar with a robust reporting protocol if the escort has any concerns. Employers and operators must have direct contact with their passenger assistant at least once per week when operating under KCC contracts for school runs, eg not required during school holidays.

Canterbury High Street

All drivers must comply with the regulations applicable to the Canterbury Pedestrian Zone.

There are side streets where passengers can be dropped off and picked up from close to the High Street.

Drivers may be permitted to pick up and drop off passengers within the city centre who are disabled or medically unable to walk or a bride attending or leaving the Abode Hotel but the driver must be able to provide evidence that the passenger meets the criterion.

CCTV in taxis and private hire vehicles

The Licensing Authority has a duty to contribute to safeguarding and take all reasonable steps to promote the safety of passengers and drivers.

The council must consider, and keep under constant review, whether to make the installation of council approved CCTV equipment in vehicles mandatory whilst recognising that this must be balanced with passenger and driver privacy. To assist in this determination the Licensing Authority has considered the

- guidance provided by the Local Government Association – *Developing an approach to mandatory CCTV in taxis and phvs*
- position of the Information Commissioner's Officer – the ICO regulates compliance/enforcement with privacy and data protection legislation
- position of the Surveillance Camera Commissioner – SCC regulates compliance/enforcement of surveillance cameras.

In order for the licensing authority to impose a mandatory condition for video and/or audio recording, the council must show that there is a need for the condition by:

- assessing what evidence is available to support the adoption of the condition
- conducting a Data Protection Impact Assessment in order to mitigate privacy concerns – see ICO's
 - *Guidance on Data protection Impact Assessments*
 - *Data protection code of practice for surveillance cameras and personal information*
 - *Guidance on the role of data controllers and processors*
- consideration of the SCC
 - *Surveillance Camera Code of Practice*

The council is of the opinion, that a mandatory condition is not necessary at the moment but the matter will be kept under review.

The council does not prevent individuals, drivers, businesses etc installing equipment but this can only be only in accordance with the ICO and SCC's approval. Equipment includes any device capable of recording sound and/or vision such as mobile phones, glasses etc.

WARNING! Failure to comply with the legal requirements could result in a criminal prosecution.

6.3 Operators

As conditions of their licence Operators must:

- keep a register of all staff that will take bookings or dispatch vehicles

- inspect a basic DBS check for all staff that take bookings or dispatch vehicles
- provide the licensing authority with their policy on employing ex-offenders
- record all complaints
- record the following information for each booking:
 - the name of the passenger;
 - the date and 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.
 - The agreed fare

Complaints

Operators must record all complaints made by customers to them. Serious complaints should be reported to Licensing Staff immediately. A serious complaint is any report that threatens passenger safety, breaches licensing laws, or damages trust in the trade. A serious complaint includes (but is not limited to) all complaints regarding:

- Safety and Criminality: Reports of sexual misconduct, physical violence, or verbal abuse.
- Dangerous Driving: Reckless driving, speeding, or using a mobile phone behind the wheel.
- Accessibility Failures: Refusing to pick up an assistance dog or a passenger in a wheelchair.
- Unlawful Operation: "Plying for hire" (picking up un-booked street hails in a private hire car) or driving without proper insurance.
- Fraud: Severe overcharging or intentionally prolonging a journey to inflate the fare.

Complaints must be made available to Licensing staff when requested, they should contain the following:

- 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 – if relevant to the complaint
- the name of any individual that dispatched the vehicle – if relevant to the complaint
- the agreed fare
- the full details of the complaint
- whether you have reported the complaint to the council, if not, your reasons for not doing so

7.0 Enforcement and appeals

- 7.1 Where the council takes enforcement action it will continually review the case on its own merits to ensure any action taken is reasonable and proportionate.

Any breach of the policy, statute, bye-laws etc will be reported to an officer with Delegated Authority for consideration of appropriate action (unless the officer has authority to dispose of the matter through a warning, fixed penalty, suspension, revocation etc); this may include prosecution through the Magistrates' Court, reporting matters to the police, referral to internal officers with delegated authority, or if appropriate, referring to the Licensing Sub-Committee or disposal in accordance with an officer's delegated powers. Officers may only operate within the delegated powers given to them by the council.

An officer may decide to:

- take no further action*
- issue advice
- issue a verbal warning*
- issue a written warning, this includes a final warning*
- Issue Penalty Points (see Appendix 2)
- revoke/suspend a licence
- refer the matter for further consideration under the council's decision making process
- issue fixed penalty notices*
- institute court proceedings
- require an on-the-spot MOT to ensure that (a) construction and use regulations and (b) clean air legislation is complied with; the council will arrange and pay for the MOT.

*Disposals can be given by an Enforcement Officer.

Each matter will be considered on its own merits. The officer will record the reasons for their decision taking into account the following factors (this list is not exhaustive):

- the seriousness of the alleged incident, breach, or offence
- whether any previous warnings have been issued or enforcement action taken and whether they are of a similar nature
- any other penalty already issued, e.g. fixed penalty, court fine, penalty points suspension
- the circumstances of the incident
- whether there are any aggravating circumstances, eg vulnerable person, passenger etc
- the representations of any complainant
- the presentations of the driver/operator or their representative including any admissions and mitigation.

Enforcement procedure

Enforcement proceedings will be considered by delegated officers. Application hearings will be considered by Licensing Officers. Both enforcement and application hearings will be considered in consultation with the Licensing Committee Chairman or the Licensing Sub-Committee wherever possible.

Appendix 4 sets out the procedure followed by the council at hearings. The procedure may be amended or adapted by the council from time to time or during the course of a hearing. If there is any amendment, the driver, owner, operator or their representative will be given the opportunity to make representations in respect of the proposed amendment.

If an interpreter is required by a person appearing at a council hearing, the licensing officer (LO) must be informed at the earliest opportunity.

The council will aim to deal with all matters listed for appeal or enforcement hearings at the first hearing.

If a person fails to attend a hearing, the council may conclude the hearing in a person's absence provided the officer/councillors is/are satisfied that the person has had sufficient notice of the hearing time, date and venue.

The LO may grant an adjournment prior to the hearing if satisfied that there is good reason for the adjournment. Any decision to adjourn a hearing, together with the reason, will be provided to the officers/councillors at the subsequent hearing.

The officers/councillors may impose any reasonable condition as part of its decision at a hearing, e.g. if the matter being considered relates to an issue of poor driving, the driver may be ordered to take a taxi/phv driving test.

Driver's and operator's duty to report investigations, court proceedings, cautions, convictions, sentences, police disposals etc

A driver or operator must report to an enforcement officer within 48 hours if they are arrested, investigated, reported, bailed by the police or court, cautioned, convicted or sentenced for any offence in or outside the UK.

If a driver reports a matter to the council, or if the council is advised by an external party, e.g. police, the officer will consider whether a licence should be suspended or revoked as a result of the information.

The officer may consult with third parties such as the council's Child Protection Officer and the Local Authority's Designated Officer.

Appeals

Appeal against a refusal

If an Applicant is aggrieved by an application decision, they have the right of appeal.

Any appeal must be made in writing within 21 days of receiving the decision.

If the application is refused the council will send the Applicant a decision letter setting out the reasons for the decision and appeal rights.

For a Driver or Operator licence, the applicant has a statutory right to appeal to the Magistrates' Court. The appeal fee to Magistrates' Court is payable directly to the Magistrates' Court at The Law Courts, Castle Hill Avenue, Folkestone, Kent CT20 2DH.

For a Vehicle licence, the applicant must lodge an appeal with Crown Court.

Appeal fees to the Magistrates' Court or Crown Court are paid directly to the court administration officer.

Appeal against a suspension or revocation

If an applicant is aggrieved by a decision to suspend or revoke their licence, they have the right of appeal.

A decision letter setting out the reasons for the decision and appeal rights will be sent to the driver/vehicle owner/operator.

Any appeal must be made in writing within 21 days of receiving the decision.

For a Driver or Operator licence, the applicant has a statutory right to appeal to the Magistrates' Court. The appeal fee to Magistrates' Court is payable directly to the Magistrates' Court at The Law Courts, Castle Hill Avenue, Folkestone, Kent CT20 2DH.

For a Vehicle licence, the applicant must lodge an appeal with Crown Court.

Appeal fees to the Magistrates' Court or Crown Court are paid directly to the court administration officer.

Appeal against policy conditions

If a person wishes to appeal against a provision in the policy, he/she may follow the council's decision-making procedure at Appendix 1.

If a person exercises their right to appeal to the Magistrates' Court and loses their appeal, the council will seek to recover all costs unless the appellant and council agree otherwise.

National Register of Revocations, Refusals and Suspensions (NR3S)

The licensing authority provides information to the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked or suspended, or an application for one refused. These checks are carried out in the public

interest to assess whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

Therefore:

- Where a hackney carriage/private hire licence is revoked, suspended, or an application for one refused, the authority will automatically record this decision on NR3S.
- All applications for a new licence or licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3S search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application. The information recorded on NR3S itself will be limited to:
 - name
 - date of birth
 - address and contact details
 - national insurance number
 - driving licence number
 - decision taken
 - date of decision
 - date decision effective

Information will be retained on NR3S for a period of 11 years.

This is a mandatory part of applying for/being granted, a hackney carriage/private hire driver licence.

The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3S, and about the use it will make of any further information provided to it.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR).

Any searches, provision or receipt of information of or under NR3S are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3S data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer. This includes submitting a subject access request. You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

Appendix 1 – Guidance for offences, breach of conditions, enforcement and delegated powers

Referral by the licensing enforcement officer (EO) and business support officer (BSO)

A Licensing Enforcement Officer will normally make a decision in consultation with the Licensing Enforcement Manager or refer the matter to a Delegated Officer Hearing or the Licensing Sub-Committee. The Licensing Enforcement Manager will take into account the nature and type of the application or alleged behaviour/offence/breach, any relevant previous breach/conviction/resolution etc, the particular circumstances of each alleged/behaviour/offence/breach or conviction etc, the severity of the punishment imposed by the council/police/court and whether a case was dealt with by a Magistrates' Court or Crown Court.

Delegated powers

The LO and enforcement officers (EO) may deal with a matter in accordance with the policy and their individual delegated powers in the council's Constitution.

An EO, with prior consent of a Licensing Enforcement Manager, may suspend a driver for a period of up to one month or until a specific event, eg for any breach of a condition or regulation contained in the policy or council bye-laws or any offence committed in contravention of the Town Police Clauses Act 1847 or the Road Traffic Acts unless the policy states otherwise. An EO may suspend a vehicle with immediate effect.

A suspension or revocation imposed on a driver takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver, or in some circumstances may take immediate effect if it is in the interest of public safety. A period of suspension must have a termination date unless the Licensing Enforcement authorises a period suspension to terminate on the conclusion of a specific event.

If it appears that in the interests of public safety that the suspension or revocation takes immediate effect, the notice to the driver must include a statement that this is so and an explanation why; the suspension or revocation takes effect when the notice is given to the driver. Service of a suspension or revocation notice may be made to the driver's registered email address or by letter given by hand or posted to the driver's registered home address. The notice must also include the driver's right to appeal the decision to the magistrates' court.

Any driver aggrieved by any decision to suspend or revoke with or without immediate effect may lodge an appeal to the Magistrates' Court.

Enforcement actions

The enforcement actions detailed in the policy are guidelines only; a guideline sanction may be varied to take into account the merits, aggravating, mitigating and personal circumstances of each individual case. Reasons for any decision must be recorded in writing and must be served on the applicant/driver together with written details of their right to appeal.

Repeat applications

The Licensing Enforcement Officer and/or Licensing Sub-Committee, after hearing an application or appeal, may direct that any subsequent application will not be considered by the LO or BSO, until a specified period of time has elapsed. This direction sets the time when an individual may submit a new, fully completed application, but it is not an indication that the new application will succeed.

General

Any discourteous or threatening behaviour towards officers or councillors will be treated as an aggravating feature in any matter being considered, or a separate matter in its own right.

Any declaration that is untrue, false, incomplete or misleading in any way will be treated as a possible criminal offence and may be referred to the police for criminal investigation. It will also terminate any application process immediately.

Any untrue, false declaration etc will result in the application being rejected in accordance with the Institute of Licensing's Guidance. If the false declaration is made by an existing driver or operator, the licence will be seized and the driver/operator licence will be revoked.

The declaration for the grant of a licence or the renewal of a licence requires the driver to disclose whether they have been:

- reported or arrested by Police for an offence
- convicted of a criminal offence
- cautioned for a criminal offence
- received another police disposal, eg community resolution, non-molestation order, domestic violence protection notice/order
- convicted of a road traffic offence
- issued with any form of Fixed Penalty Notice
- bailed or summonsed for criminal investigations or court proceedings
- involved in any investigations or pending prosecutions

for any matter in the UK or elsewhere.

If a matter is not disclosed, even if it is a minor offence, it is a serious matter and may result in suspension/revocation and/or referral to the Licensing or Enforcement Officer and/or licensing sub-committee for non-disclosure.

The Institute of Licensing's "Suitability Guidance - Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire industry 2024" has been adopted by Canterbury City Council's Licensing authority in its entirety without amendment.

If and when the Guidance is up-dated, the council will substitute the existing guidance.

Suspension and revocation of a driver's licence

In accordance with the cases of *Singh* and *Pawlowski*, a suspension is a final determination. It is not lawful to:

- (a) suspend a driver's pending investigation or
- (b) revoke a driver's licence following a suspension for the same matter.

Appendix 2 – Penalty Points Scheme

- 1 Points may be issued by Authorised Officers of the Authority to licence holders who are found to be in breach of legislation, byelaws, policy 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 may appeal to the Licensing Enforcement Manager, in writing, within 21 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.
- 7 When issued, the penalty points will remain “live” for a period of three years from the date they are imposed so that only points accumulated in a rolling three year period will be taken into account.
- 8 If a licence holder accumulates 12 penalty points in any three year period, then they may be asked to attend a hearing with a Delegated Officer for hearings or the Licensing 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 Licensing Sub Committee may take into account whether the licence holder has previously been brought to a hearing for exceeding the 12 point limit in the last three years.
- 9 If an accumulation of points results in suspension or revocation of a licence, then the points will be removed. If a written warning is given, the points remain live.
- 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 keep licence of hackney carriage driver permitted or employed to use vehicle	6
52	Failure to display a hackney carriage plate	4
53	Refusal to take a fare without a reasonable excuse	12
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	6
62	Driver leaving a hackney carriage unattended	3
64	Hackney carriage driver obstructing other hackney carriages	2

Section	Local Government (Miscellaneous Provisions) Act 1976	Points
	Offence	
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

Section	Local Government (Miscellaneous Provisions) Act 1976	Points
	Offence	
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	2
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	6
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)	12
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, 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)	12
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	12
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	12
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement	12
67	Charging more than the meter fare when hackney carriage is used as a private hire vehicle	12
69	Unnecessarily prolonging a journey	12
71	Interfering with a taximeter with intent to mislead	12

Section	Local Government (Miscellaneous Provisions) Act 1976	Points
	Offence	
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	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 assistance dog and/or making extra charge for carrying passenger with assistance dog	12
170	Operator refusing to take booking on grounds that passenger will be accompanied by assistance dogs or making extra charge for carrying passenger with assistance dog	12
170	Private Hire Driver refusing to accept booking made through operator on grounds that passenger will be accompanied by assistance dog	12

	Breach of policy requirement	Points
	Failure to adhere to dress code	3
	Failure to wear a driver's badge	4
	Failure to behave in a civil and orderly manner	12
	Failure to ensure the safety of passengers	12
	Concealing or defacing a vehicle licence plate	4
	Failure to attend on time for a pre-arranged booking without reasonable cause	3
	Conveying a greater number of passengers than permitted	12
	Failure to give reasonable assistance with passenger's luggage	6
	Private hire vehicle soliciting for hire or accepting a fare that is not pre-booked	12
	Operating a vehicle that is not clean and tidy	3
	Smoking in a licensed vehicle at any time	6
	Operating the horn in any way other than the legal use	3
	Using a non-hands free mobile telephone whilst driving	12
	Failure to advise of a relevant medical condition within 2 days	8
	Failure to provide a receipt for a fare when requested	2

	Breach of policy requirement	Points
	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
	Failure to notify the council of any amendment to the details of a licence within fourteen days	3
	Failure of a driver to maintain an online certificate with the DBS update service.	12
	Failure to notify within 14 days of starting or terminating employment, the name and address of the proprietor and term of employment	3
	Failure of a licence holder to disclose convictions/arrests/charges in writing to the council within 48 hours	12
	Failure to check vehicle for lost property or to report lost property in accordance with policy	3
	Failure to report an accident within seventy two hours	6
	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	3
	Failure to carry the full 'equipment' kit	3
	Operating a vehicle which is not maintained in a clean condition internally or externally	3
	Modifying a vehicle without the consent of the council	3
	Failure to display in the prescribed manner or maintain external licence plate or door stickers or internal plates and badges	3
	Failure to display complaint reporting information within a vehicle	3
	Hackney carriage vehicle signage not in accordance with the council's requirements (chequered stripe, rooflight)	4
	Affixing or displaying a roof sign on a private hire vehicle	12
	Displaying a sign or advertisement on a licensed vehicle contrary to the policy requirements or which has not been approved by the council	4
	Taximeter does not conform to the council's requirements	12
	Operating or driving a vehicle which does not comply with the council's policy requirements	6
	Driving with no insurance or inadequate insurance for the vehicle	12
	Allowing a vehicle to be used for hire by a person who does not hold a current driver's licence.	12
	Operating a vehicle which does not comply with the council's requirements in relation to tinted windows	4

	Breach of policy requirement	Points
	Permitting the vehicle to be used for any illegal or immoral purposes	12
	Failure of a private hire operator to provide a prompt, efficient and reliable service	3
	Failure to ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated	3
	Failure to display information within Operator's premises (provided for public waiting/booking) on how to report concerns/complaints to the council.	4
	Failure of a private hire operator to ensure that vehicles attend bookings punctually	4
	Failure to act properly upon the receipt of a complaint or to notify immediately the Licensing Officer	6
	Failure to notify the council of any changes, including change of address from where the business operates within 14 days	3
	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	12
	Failure to disclose in writing within 48 hours details of any conviction, arrest or charge imposed on them to the licensing department	12
	Failure to notify the council of any vehicle used by the Operator which is involved in an accident within 72 hours	6
	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
	Failure to maintain or produce records of individuals employed to take bookings or dispatch vehicles	6
	Failure to carry out or keep record of check Basic DBS of individuals employed to take bookings or dispatch vehicles.	6
	Failure of a private hire operator to have valid public liability insurance for the operating premises if the public are allowed access	8
	Failure of a private hire operator to ensure that every driver employed by him has a private hire licence and badge	12
	Failure to make the Operator's licence available for inspection, in accordance with s.56 of the Local Government (Miscellaneous Provisions) Act 1976	4
	Any other contravention of the policy not covered above	2-12

Appendix 3 - Enforcement concordat

1	The initial contact between the Licensing Authority and licence holder will normally be informal with the provision of advice, guidance and support.
2	Enforcement action can include the following progressive approach to achieve compliance: • verbal advice which may be documented • written advice • verbal warning which will be documented • written warning/final written warning • statutory notice • formal caution • Council hearing • criminal prosecution. The individual circumstances of the breach of the legislation/policy will determine the entry level of enforcement. All actions will be considered in accordance with the requirements of the <i>Human Rights Act 1998</i> and each matter considered on its individual merits.
3	When prosecution is being considered, the relevant enforcement bodies will on a case-by-case basis decide which is the lead authority to prosecute the offence. Regard will be taken of the Code of Practice made under Section 10 of the <i>Prosecution of Offences Act 1985</i> and issued by the Crown Prosecution Service. Due consideration will be given to any guidance and/or advice issued by government, Local Authority, association and other professional and technical bodies. Statements will be provided from one agency to another as necessary. Before deciding whether to refer a matter to a council hearing or prosecute a case through the court, the following factors will be considered: • the seriousness of the alleged breach/offence • the history of the person/business concerned • the willingness of the business/individual to prevent a reoccurrence of the problem and the level of cooperation with council officers, police and/or other agencies • whether it is in the public interest to prosecute • the realistic prospect of conviction • whether any other action (including a formal caution) would be appropriate • the views of the Complainant and other parties with an interest in prosecution. The Licensing Authority takes a proactive stance towards proper regulation of, and enforcement of the provisions of the legislation.

	The Licensing Authority will normally take the lead on all taxi and phv issues. Other breaches of the Act will be dealt with either directly or jointly as indicated above. The licensing authority will give full cooperation to any other agency in carrying out their investigations.
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Appendix 4 – Officer and/or Licensing Sub-Committee Hearing

Procedure for Taxi and Private Hire Hearing

- Note 1: Hearings to be conducted at a suitable confidential venue.
- Note 2: The procedure replicates the procedure in the magistrates' court so that it removes the need for the Magistrates' Court to review the council's policies and procedures on appeal
- Note 3: 'Best evidence' has been obtained throughout, e.g. Section 9 statements, taped interviews etc, in order to minimise preparation of appeal hearing documentation
- Note 4: If a hearing is being conducted by an officer with delegated authority, any decision made is solely by the officer but that officer must consult with the Licensing Committee Chairman before making a decision. Consultation may take place before or during the hearing.

Action	Responsible Member/ Officer
1 Introductions	Chairman
• Officer and Chairman	
2 Housekeeping	Chairman
• Procedure if alarm sounds • Location of toilets • Request to turn off mobile phone, pager or similar device	
3 Legal advice to councillors and parties	Legal Officer if present
4 Fair hearing clarification (Article 6)	Licensing Officer
Licensing officer to clarify with driver/operator/applicant	
• That all documentation received • When he/she received documentation • Whether documentation is understood • If they are represented • Whether the driver/operator/applicant needs any assistance reading the documents • Whether an interpreter is needed • Any response to letters received • If pens, paper etc required • Had sufficient time to prepare • If they have any witnesses and are they present	
5 Procedure of hearing – explained by Licensing Officer at outset and during course of hearing	

6 Decision

Delegated Officer gives details of decision and reasons for decision, rights of appeal, venue, time limits, situation pending appeal, suspension etc

Written notification given to driver/operator/applicant following the hearing by person making the decision via Business Support Officer including NR3S details.

Appendix 5 – Transporting disabled passengers, assistance dogs and the Equality Act

Transporting disabled passengers

Each passenger with a disability has different needs. Many disabled people have experienced well-intentioned but clumsy assistance that has caused them discomfort and pain.

Operators and drivers must ask the customer or their carer what assistance they need. The driver should always make sure that passengers are familiar with any access and safety equipment in the vehicle.

The driver should ask the customer if they are comfortably seated before starting the journey.

If the passenger is in a wheelchair, the driver should always:

- pull up as close as possible to the kerb
- use the ramps
- if necessary, tip up the back seat to give more space to manoeuvre the wheelchair
- insist that the passenger travels in the correct position as recommended by the vehicle manufacturer. In the case of a London type cab this position will be facing the rear of the vehicle.
- make sure that the brakes of the wheelchair are on
- be polite and ask before touching or moving a passenger
- secure the wheelchair and ask if the passenger needs help to fasten the seat belt provided
- if it has been raised, lower the back seat if the passenger would prefer it
- avoid sudden braking or acceleration
- bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once they have been unloaded
- leave the passenger in a safe and convenient place, which enables them to move away independently.

Manoeuvring a wheelchair

When taking a person in a wheelchair up a kerb a driver should place their foot on one of the tipping levers (which project from the back of the wheelchair at ankle height) and pull the wheelchair onto its back wheels so that its front wheels are level with the kerb and follow with the back.

When taking a person in a wheelchair down a kerb, again the driver should place their foot on the tipping lever and pull the wheelchair onto its back wheels. The driver should gently lower the wheelchair down the kerb so that both of the rear wheels touch the ground at the same time, then lower the front wheels.

This method should only be used for kerbs and single steps; where there is a flight of steps two people are needed for safety.

Although all council licensed vehicles are capable of carrying wheelchairs, they are not accessible to all wheelchair users. There are a number of wheelchair designs that are either too large for the ramps or to fit through the doorway or

cannot be manoeuvred when inside the vehicle. There are also some passengers whose size and build, or nature of disability (i.e. those passengers requiring extended leg rests), prevent them from using a taxi vehicle safely.

However a driver cannot refuse to take a passenger in a wheelchair if the vehicle can take the passenger safely. It is against the law to refuse to take a wheelchair passenger. Failure to comply could lead to prosecution and the driver's licence being suspended or revoked.

How to ensure the safety of wheelchair users

Both the restraint system for the wheelchair and the safety belt for the passenger must be used on every occasion. Failure to do so may render the driver liable in the event of an accident and could affect the driver's insurance cover.

- In the interest of the comfort and safety of both the passenger and driver, the ramps must be used to board a passenger using a wheelchair
- Passengers using wheelchairs must never travel facing sideways
- The wheelchair restraint mechanism must always be attached to the rearmost main upright tubes on opposite sides of the wheelchair frame in a position that does not allow it to fall off or slide down. The restraint must never be attached to wheels, spokes or footplates
- The brakes on the wheelchair must always be applied during the journey. Drivers should remember that the brakes alone are not sufficient for wheelchair restraint. They do however give a little lateral stability during the journey, which provides reassurance for passengers
- The wheelchair restraint mechanism isolating switch must always be in the "off" position before the journey begins. If it is left in the "on" position the wheelchair is still unrestrained
- It is important to remember that the wheelchair restraint mechanism offers no security to the passenger. It is a legal requirement for passengers to wear seatbelts provided unless they hold a medical exemption certificate
- Wheelchairs must always be taken out of the vehicle backwards.

Equality Act 2010

How does the Act affect taxi and private hire drivers?

There are some changes in the law that came into effect in October 2010.

The *Equality Act 2010* includes provisions relating specifically to taxi and private hire vehicles and disability.

Duties on drivers to assist passengers in wheelchairs

The *Equality Act 2010* places duties on the drivers of designated wheelchair accessible taxis and private hire vehicles to provide physical assistance to passengers in wheelchairs.

The duties will apply to the driver of any wheelchair accessible taxi and private hire vehicles which are on the licensing authority's list of "designated vehicles as set out in section 167 of the *Equality Act 2010* (the 2010 Act)".

Section 167 of the 2010 Act has been adopted by the council. The Licensing Authority has compiled a list.

The adoption of Section 167 means that the council will maintain a list of designated wheelchair accessible taxi and private hire vehicles in accordance with Section 167(5) of the 2010 Act.

The duties set out at 10.4 below will apply to the drivers of those vehicles.

Any drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance can apply for an exemption from the duties to offer assistance.

Wheelchair accessible vehicles

Wheelchair accessible vehicles means that disabled persons who use wheelchairs can:

- (a) get into and out of vehicles in safety, and
- (b) travel in vehicles in safety and reasonable comfort, either staying in their wheelchairs or not (depending on what they prefer).

Warning - owners/drivers are advised to ensure that they keep up-to-date as to the implementation of proposed legislation changes requiring all vehicles to be able to take a passenger in a wheelchair. This advice is extremely important when an owner/driver is considering purchasing a new vehicle.

Discrimination against wheelchair users

Drivers face a fine and/or revocation/suspension of their licence if they refuse to transport wheelchair users or attempt to charge them extra.

From 6 April 2017 taxi and private hire vehicle drivers are obliged by law to:

- transport wheelchair users in their wheelchair
- provide passengers in wheelchairs with appropriate assistance
- charge wheelchair users the same as non-wheelchair users.

What are the legal duties placed on taxi and private hire drivers?

The duties being placed on the drivers of designated wheelchair accessible taxi and private hire vehicles are (under Section 165 of The *Equality Act 2010*):

- 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.

What does mobility assistance mean?

Mobility assistance essentially means helping passengers who use wheelchairs, walking sticks, crutches, walking aids etc by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle.

If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle.

The driver must also offer to load the passenger's luggage into and out of the vehicle.

What if a driver has a medical condition which prevents the driver from carrying out these duties?

The Act allows for exemptions from the duties on medical grounds or if the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with those duties. It is the responsibility of drivers who require an exemption to apply for one from the council. The Licensing Authority decides if a driver should be exempt from the duties.

The legislation allows a driver to appeal to the Magistrates' Court within 28 days if the council decides not to issue an exemption certificate. The council is the delegated authority to decide if an exemption should be granted.

The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Assistance dogs

Taxi and private hire drivers **must carry guide dogs and other assistance dogs**. The law prohibits from denying services to passengers with assistance dogs and from otherwise discriminating against passengers with assistance dogs. Drivers who engage in discriminatory conduct in violation of this legal obligation risk having their licence revoked.

Hackney carriage or private hire drivers must carry assistance dogs, irrespective of whether they have any restraining harness. Any assistance dog should usually be carried in the rear footwell of the vehicle and be under the control of the passenger/handler.

Any driver who cannot carry an assistance dog on medical grounds must apply for an exemption certificate. The council may decide if an exemption should be granted.

Exemption certificates for carrying assistance dogs

- Where an application is made to the Licensing Authority for an exemption, it must be supported by medical evidence. Persons with such allergies will be under the care of a specialist consultant and will be required to produce

reports from their consultant. If no exemption has been applied for and subsequently granted, drivers are still required to carry assistance dogs.

- The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Transporting and assisting vision-impaired passengers and those with guide dogs

When travelling in taxis or PH vehicles, blind and partially sighted people may need specific assistance related to their disability, such as sighted guiding to the vehicle.

The following guidelines are recommended for taxi and PH drivers to follow when transporting a vision-impaired passenger:

- The driver should always ask the vision-impaired person what assistance is needed before making assumptions as to what might be required.
- When picking up a blind or partially-sighted person from their home or other premises, the driver should knock on the door, or enter the premises, to announce their arrival. It is helpful to know the customer's name.
- If the vision-impaired person asks to be guided to the vehicle, the driver should stand by the person's side and allow them to take hold of their arm/elbow in order for them to guide the customer along. The driver should never take hold of the passenger and drag or push them in a particular direction. The driver should tell the person where they are going and what obstacles or hazards might be approaching. They should tell them about doors opening towards or away from them and about steps, kerbs or slopes going up or down. This will help prevent accident and injury.
- On arrival at the vehicle, the driver should inform the passenger of the type of vehicle and which direction it is facing. Using their guiding arm, the driver should reach for the door handle and allow the passenger to slide their hand down their arm and get hold of the handle. The passenger will then hold the door and enter the car themselves.
- Once inside the vehicle, the driver should offer to help the passenger with the seat belt, and not set off until the passenger is seated and secure.
- During the journey, the passenger should be informed about any delays, or deviations to the route that they might have expected to take.
- Upon arrival, the driver should inform the passenger of the location, offer to assist the passenger to exit the vehicle and guide them to a safe location before leaving.
- Drivers should clearly inform the passenger of the fare or meter reading. (A 'talking meter' is recommended). When giving change, it is important to count out coins and notes into the passenger's hand.

When transporting a passenger with a guide dog, the driver needs to be aware of:

- If guiding a person with a guide dog, the driver should stand by the person's right-hand side (usually the guide dog will be on the left) and adopt the same guiding technique as above. They should not take hold of the dog's lead or harness and should not interfere when the owner tells the dog to do something, as this may confuse the guide dog.
- The driver should ask the passenger where they would prefer their guide dog to be. In purpose-built taxis the dog will travel in the passenger cabin with the owner. In saloon cars, passengers are likely to travel in the rear of the vehicle with the guide dog in the foot well between their feet behind the front passenger seat.
- The front passenger seat should be pushed forward to make space for the dog. Guide dogs have been trained not to sit on furniture, including car seats.
- If guide dogs are carried in the front foot well and air bags are fitted to both the passenger and driver's side front panel, it is essential that the dog is lying down at all times. The driver should let the passenger know if this applies.

The licensing authority is aware of the national guidance to "take tough action where drivers breach their duties under Section 165 of the Act".