



Licensing Committee

Committee Members: Councillors Bird (Chair), Benstead (Vice-Chair), Abbott, Adey, Gawthrope, Holt, McPherson, T. Moore, Pippas, Ratcliffe, Sinnott and Smart

Alternates: Councillors Blencowe and Page-Croft

Published & Despatched: Friday, 7 October 2016

Date: Monday, 17 October 2016
Time: 10.00 am
Venue: Committee Room 1 & 2 - Guildhall
Contact: Sarah Steed

AGENDA

Member's Licensing & Enforcement verbal update

9.30 to 10.30 AM - **Committee Room One**

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 10*)
To confirm the minutes of the meeting held on 18 July 2016.
- 4 PUBLIC QUESTIONS**
- 5 SEV (SEXUAL ENTERTAINMENT VENUE) POLICY** (*Pages 11 - 80*)
- 6 DELEGATED OFFICER DECISION MAKING IN RESPECT OF THE HACKNEY CARRIAGE AND PRIVATE HIRE TAXI POLICY AND TO UPDATE THE COUNCIL CONSTITUTION ACCORDINGLY** (*Pages 81 - 156*)
- 7 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY** (*Pages 157 - 598*)

Information for the Public

Location

The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

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LICENSING COMMITTEE

18 July 2016
10.00 - 10.47 am

Present: Councillors Bird (Chair), Benstead (Vice-Chair), Abbott, Adey, Gawthrope, Holt, T. Moore, Pippas, Ratcliffe and Sinnott

Officers:

Licensing & Enforcement Manager: Lewis Ducket

Licensing, Policy & Administration Team Leader: Victoria Jameson

Committee Manager: Sarah Steed

Other persons:

CCLT Limited: Mr Wratten

FOR THE INFORMATION OF THE COUNCIL

16/39/Lic Apologies for absence

Apologies were received from Councillors McPherson and O'Reilly. Councillors Benstead and Moore provided apologies for lateness.

16/40/Lic Declarations of Interest

There were no declarations of interest.

16/41/Lic Minutes of the previous meeting

The minutes of the meeting of the 21 March and 26 May 2016 were agreed and signed as a correct record.

16/42/Lic Public Questions

A member of the public asked a question as set out below.

1. Mr Wratten raised the following points:

- i. He had received telephone calls from taxi proprietors who were going to Mandela House to get their plates renewed and they were being told that they needed to have DBS checks on all persons who were recorded on the plate (i.e. Proprietors who are not licenced drivers).

The Licensing & Enforcement Manager responded:

- i. A Proprietor was a person who owned or part owned a taxi vehicle plate. A Proprietor did not have to be a licenced driver nor do they have to drive the taxi vehicle. It was Council policy that a basic disclosure check was undertaken for any Proprietors named on a taxi plate and in agenda item 5 it was going to be requested that the taxi policy was changed to require that an enhanced DBS check was undertaken.
- ii. He would look into the issue raised about what proprietors were only being told when they went to Mandela House that this was a requirement. The reminder paperwork and guidance did however clearly set the requirements out.

Mr Wratten raised the following supplementary point:

- i. He had never been asked in the past to obtain DBS checks for all persons listed on a plate, this may have been in the policy but had not been asked for in the past.

The Licensing and Enforcement Manager responded:

- i. Recognised that a lead in time was required in order to make a request and receive the DBS check.

16/43/Lic Consultation on Hackney Carriage and Private Hire Licensing Policy

The Committee received a report from the Head of Environmental Services regarding a current review of the Hackney Carriage and Private Hire Licensing Policy from 2011.

A member of the public asked a question as set out below.

Mr Wratten raised the following points:

- i. He was in favour of the consultation but wanted a reassurance it would be a full consultation, he also expressed concern that the consultation would take place during July to August as this was a peak period for his staff to take holiday.

The Licensing & Enforcement Manager responded:

- i. The consultation was to run for 5 weeks, which was a longer period than other consultation periods. Therefore the public should have the opportunity to provide their comments outside during this period. He also confirmed that this would fit in with the report timetable process so that a

report could be brought back to the next Licensing Committee in October.

The Committee then debated the Officer's report.

The Committee made the following comments in response to the report:

- i. Asked if the safeguarding training included training on domestic violence.
- ii. Asked who the stakeholders were that would be included within the consultation exercise.
- iii. Welcomed DBS checks, knowledge tests and medical tests for taxi drivers as the Council had to ensure that individuals were suitable to undertake the job and protect vulnerable people.
- iv. Asked if drivers and driver organisations would be included in the consultation.
- v. Asked if local disability charities would be included in the consultation.
- vi. Asked if there was a requirement for taxi drivers to report medical issues to the Licensing Department after a medical had been completed as medicals appeared to only be required once every 5 years and medical issues could arise in between this period.
- vii. Was pleased that the authority could exercise discretion to grant a licence and referred to the eligibility requirements contained at paragraph 34.5 of the policy. Commented that discretion was needed and that the Home Office was not always easy to work with.
- viii. Commented that the environmental considerations may not apply if the UK ended up outside of the EU.

In response to Members' questions the Licensing & Enforcement Manager said the following:

- i. Confirmed that the training undertaken by taxi drivers included domestic violence, disability, and all equality issues covered under the Equalities Act 2010.
- ii. Whilst not an exhaustive list the stakeholders that would be consulted included; statutory consultees (Police, County Council, Environmental Health, Licensing Department), anyone in public service, users of the service, trade representatives who would also be asked to circulate the consultation to anyone else who had not been included on the circulation list. A list of consultees would be circulated to Members after the Committee meeting.
- iii. It was confirmed that drivers and driver organisations would be included within the consultation.

- iv. Confirmed that disability groups and forums would be included in the consultation.
- v. Confirmed that there was an obligation on drivers to report medical issues to the Licensing Department within 7 days. Drivers also had a responsibility to report medical issues to other authorities for example the DVLA. The Licensing Department did not experience issues with this and helped drivers who had to contact other authorities.
- vi. Commented that the Licensing Department had a good relationship with the Home Office and UK Border Agency and had recently reviewed the status of every driver. There was only one driver who was found not have the right to work in the UK, action was taken to revoke their licence.
- vii. A report on the environmental considerations would be brought back to the October meeting.

The Committee:

Resolved (unanimously)

- i. Approve the consultation of a revised draft policy (as per Appendix B) and process in order to adopt a final Hackney Carriage and Private Hire Licensing Policy at Full Licensing Committee in October 2016.
- ii. Agreed that the following areas of the policy were considered in depth, reviewed and specifically consulted upon:
 - Accessibility & Disability Awareness
 - Code of Conduct
 - Driver Safety
 - DBS Update Service
 - Eligibility to live & work in the UK in accordance with the Immigration, Asylum & Nationality Act 2006
 - Enforcement Management System
 - Environmental Considerations
 - General Administration (such as notification of change of details etc.)
 - Grounds for Disbarment
 - Online Applications
 - Safeguarding Training (including fees)
 - The Taxi Guide
 - Vehicle Standards

16/44/Lic Hackney Carriage Table of Fares

The Committee received a report from the Licensing, Policy & Administration Team Leader regarding a request to increase the Hackney Carriage Table of Fares

A member of the public asked a question as set out below.

Mr Wratten raised the following points:

- i. The Table of Fares percentage increase was in accordance with Transport for London Fare increase which the Licensing Committee had previously agreed was the correct method to increase hackney carriage fares by.
- ii. Had not requested that starting tariffs were increased, the increase was to apply to distances only.

The Licensing & Enforcement Manager drew Members attention to the fact that if no significant issues were raised during the consultation then the decision would not be brought back to Licensing Committee and the fare increase would come into effect on the 19 September 2016.

The Committee then debated the Officer's report.

The Committee made the following comments in response to the report:

- i. Commented that the 1.6% increase seemed excessive, his customers had commented that taxi fares in Cambridge were more expensive than London. Asked how the 1.6% increase was calculated as petrol had gone down in price.
- iii. Asked what comparisons had been done with other authorities as only London had been mentioned.
- iv. Asked if the quoted distance fare increase was correct as the quoted reduction of 181 to 179 was different to the increases contained within the tables on pages 257 and 263 of the agenda pack.

In response to Members' questions the Licensing & Enforcement Manager and Mr Wratten said the following:

- i. With regards to the 1.6% fare increase, Members were referred to paragraph 3.1 to 3.3 of the Officer's report which stated that 'the Licensing Committee at its meeting on 30th January 2012, determined that any future amendment to the Table of Fares would be calculated using the percentage increase as calculated by Transport for London. CCLT's letter, stated that the trade indicated that a similar increase was given to London Hackney Carriages this year and wished to use this as

the agreed method for a fare increase in Cambridge. Transport for London (TfL) applied an increase of fares of 1.6% in 2016'. A 1.6% increase would reduce the travelling distance from 181 to 179.

- i. As the Licensing Committee did not have their own policy it was agreed in 2012 to follow the percentage increases as calculated by Transport for London. Other local authorities had not been considered as the Licensing Committee agreed in 2012 to use this method to calculate the Hackney Carriage Table of Fare increases.
- ii. Confirmed that the tables included within the agenda pack contained the incorrect figures and that the quoted figures for distance fares should be from 181 to 179.

The Committee:

Resolved (by 6 votes to 0)

- i. To vary the existing Table of Fares from 181 to 179, with effect from 19th September 2016, subject to the statutory consultation process.

The meeting ended at 10.47 am

CHAIR

CAMBRIDGE CITY COUNCIL

REPORT OF: Yvonne O'Donnell Environment Health Manager

TO: Licensing Committee

17/10/2016

WARDS: All

SEX ESTABLISHMENTS LICENSING POLICY

1 INTRODUCTION

- 1.1 Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called 'sexual entertainment venues' (SEVs) and gives local authorities the power to regulate and licence lap dancing clubs and similar venues under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 The new powers enable these types of establishment to be licensed in the same way as sex shops, rather than as pubs and clubs and give councils greater scope and discretion as to how those venues are controlled within their areas. The new measures came into effect on 6th April 2010.
- 1.3 The new powers enable these types of establishment to be licensed in the same way as sex shops, rather than as pubs and clubs and give councils greater scope and discretion as to how those venues are controlled within their areas. The new measures came into effect on 6th April 2010.
- 1.4 Government guidance recommends as good practice for Licensing Authorities to have a Statement of Licensing Policy for Sex Establishments. On 24th October 2011 Licensing Committee approved a Sex Establishment Licensing Policy. The policy and accompanying conditions are attached to the report as Appendix A.

- 1.5 The policy statement has been kept under review and was subject to further review and consultation any time prior to October 2016.
- 1.6 The process to start the review began in May 2016 and a twelve week public consultation took place between 30th May 2016 and 21st August 2016.
- 1.7 The purpose of this report is to inform committee of the responses received as a result of the consultation exercise, thereby enabling them to consider those responses in reviewing the policy.

2 **RECOMMENDATIONS**

- 2.1 That the Licensing Committee:
 - 2.1.1 consider the results of the public consultation exercise as summarised as Appendix B of this report.
 - 2.1.2 approve the final Sex Establishment Licensing Policy attached as Appendix C to this report having taken into consideration the comments contained in paragraphs 3.5 to 3.14 of this report and Appendix B.
 - 2.1.3 resolve that the policy shall have immediate effect and shall be reviewed at least every five years.

3. **BACKGROUND**

- 3.1 **History.** Sex shops and sex cinemas are classified as sex establishments, licensed under the Local Government (Miscellaneous Provisions) Act 1982. The regime gives the council wide discretion in determining whether to grant or refuse licences, a power to set a limit on the number of premises that may be suitable in a particular locality, greater flexibility on applying licence conditions and the ability to accept representations from a wider scope of the community. Sex shop licences are only valid for up to one year, also giving greater scope for review.
- 3.2 Following concerns surrounding the operation of lap-dancing / similar venues and recognition that the Licensing Act 2003 did not give sufficient powers of control, section 27 of the Policing and

Crime Act 2009 created a new class of licensed sex establishment, a 'sexual entertainment venue'. By treating these premises in the same way as sex shops, the new provisions give local authorities more powers to control where and how many SEVs open and operate in their areas.

3.3 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, relating to sex shops was adopted by full council on 19th October 1989 and the adoption was advertised in the Cambridge Evening News on 27th October 1989. On 21st October 2010 the full council resolved to adopt amended provisions introduced by section 27 of the 2009 Act as it relates to the new category of SEVs with effect from 1st December 2010. The amended provisions were advertised in the Cambridge Evening News on 27th October and 3rd November 2010. Full council also delegated the licensing and regulatory functions to the Licensing Committee.

3.4 **Licensing policy.** Although local authorities are not required to produce a statement of licensing policy relating to sex establishments, they may do so if they wish, so long as it does not prevent any individual application from being considered on its own merits at the time the application is made. Policies can contain matters such as conditions, appropriate locations, limits on numbers etc. Any changes to conditions are determined by the licensing committee.

3.5 **Guidance** The Government has produced Guidance for local authorities, which are encouraged to have regard to the guidance when exercising their functions (although there is no statutory requirement to do so), in order to promote best practice and consistency across local authorities in England and Wales. Government Guidance recommends that it would be good practice for Licensing Authorities to have a statement of licensing policy for Sex Establishments. Guidance suggests that each local authority should judge each case on its individual merits.

3.6 **Terms, conditions and restrictions** can be imposed on a licence. The Provision of Services Regulations 2009 require any conditions to be necessary, non-discriminatory and proportionate. In practical terms this means that conditions must demonstrably be directed at attaining one of the public interest objectives of the Regulations (public policy, public security, public health, or the

protection of the environment) and must go no further than is necessary to achieve such objectives.

- 3.7 **Numbers and relevant locality** Schedule 3 of the 1982 Act allows the council to refuse applications on grounds related to the assessment of the “relevant locality”. It can also make an assessment as to the ‘character’ of the relevant locality and how many, if any, sex establishments or sex establishments of a particular kind, it considers are appropriate for that relevant locality. We currently have no limits on numbers for Sex Establishments, with all applications being considered on their individual merits.
- 3.8 One of the consultation responses received request that the Council imposes a numerical control on the number of sex establishments in Cambridge and expressed the view that nil is the appropriate number.
- 3.9 It is important to note that even where a “nil” policy exists, applications must still be considered and a decision made as to whether an exception should be made to the policy. It is not open to an authority to refuse or even to consider an application, which breaches its policy. The authority must always decide whether the facts of a case warrant an exception to the policy.
- 3.10 The ability to licence SEVs enables the Council to impose licence conditions for the regulation of the establishment and for the protection of performers and members of the public.
- 3.11 Numbers of premises and “relevant locality”: Schedule 3 of the 1982 Act allows the council to refuse applications on grounds related to the assessment of the “relevant locality”. It can also make an assessment as to the ‘character’ of the relevant locality and how many, if any, sex establishments or sex establishments of a particular kind, it considers are appropriate for that relevant locality.
- 3.12 There is currently one licensed sex shop in the City. No applications have been received for Sexual Entertainment Licences or for a new sex shop and cinema licence since the Policy was adopted in October 2011.

3.13 The Court of Appeal in R v Peterborough City Council ex p Quietlynn (1987) has decided that the question of what is the “relevant locality” within the meaning of the Local Government (Miscellaneous Provisions) Act is a question of fact, but cannot mean a whole town or the whole of an authority’s administrative area. The Council cannot therefore designate the whole of Cambridge as the “relevant locality” and decide that there should be no sex establishments in the whole of the City.

3.14 Under the current Policy the Licensing Sub-Committee could decide what was the relevant locality based on the facts of an individual application. At any hearing of the application, the Sub-Committee could look at the premises for which the licence was being sought and could hear submissions as to the locality and then decide the appropriate number of sex establishments in respect of the relevant locality or whether the character of the area was such that it was inappropriate to grant a licence at all. The Sub-Committee would also consider paragraphs 9.1 and 9.2 of the Policy in deciding whether to grant a licence. Paragraph 9.1 and 9.2 of the policy states:

9.1 We have not imposed a limit on the number of premises that may be licensed in any area of the City, however, whilst deciding each application upon its own merits we will not normally licence premises that are in close proximity to:

9.1.1 a residential area

9.1.2 a school, nursery or any other premises substantially used by or for children under 16 years of age;

9.1.3 a park or other recreational areas used by or for children under 16 years of age;

*a church or other place of religious worship;
a community centre*

9.2 In addition, we will consider public safety issues when determining whether an area is appropriate; for example, areas that attract a high percentage of female, elderly or young users or vulnerable persons may be considered to be inappropriate. Where we receive an application, which we consider to be within close proximity to those areas or premises identified in paragraph 9.1, the application will not

be automatically refused. Applications presenting genuinely exceptional circumstances may be granted.

The Sub-Committee would have the flexibility to determine the relevant locality in respect of a particular application. This could be a smaller area than the ward in which the premises were situated.

- 3.15 The Sex Establishments Policy adopted by the Council should cohere with the other corporate visions and objectives of Cambridge City. The policy should reflect what is important for the authority in terms of its objectives, and how it sits within its wider aspirations for the area.
- 3.16 **Policy Review.** It is considered good practice to review the policy. It is recommended that it be reviewed every five years, in line with the Police Reform and Social Responsibility Act proposed amendment for Licensing Act 2003 policies.

4. **CONSULTATIONS**

- 4.1 Public consultation was undertaken in accordance with Government's Code of Practice for 12 weeks between the 30th May 2016 and 21st August 2016. We consulted widely with the public, statutory authorities, including the police, businesses likely to be affected and existing and potential premises licence holders. The document was available to view on our website and appeared in the Cambridge News on 30th May 2016.
- 4.2 Four responses have been received in total. All comments received have been summarised in Appendix B for consideration by committee and the draft policy amended as appropriate.

5. **OTHER LOCAL AUTHORITIES WITH A "NIL POLICY"**

- 5.1 London Borough of Hackney
In 2011 the London Borough of Hackney introduced a "nil policy". The policy has not been reviewed since then.
The policy became effective on 26th January 2011 appendix D or <http://hackney.gov.uk/Assets/Documents/sex-establishment-licensing-2011.pdf>

In devising the policy regard was given to the available data findings, the shared vision and plans informing Hackney's

Sustainable Community Strategy, and Local Development Framework Core Strategy with the aim of integrating the sex establishment policy so that it contributed to the vision of the borough. “As such the provision of sex establishments was considered by the Council to contradict and undermine its stated aims and to exacerbate the challenges it faced in bringing about a positive, genuinely sustainable characterful and thriving neighbourhoods which support the needs and principles of upskilling its population and closing the education gap across its communities” (para 4.11 of their policy).

The London Borough of Hackney had regard to the following borough factors which justified this safeguarding regulatory step:

The relative size of the borough taken as a whole

Population density and growth trends

Ward profiles

Borough profiles

Poor economic and health specific deprivation indices

Level of social housing and tenure

Area subjected to regeneration initiatives.

Locations of premises, which attract vulnerable groups such as GP surgeries, attract families such as parks and open spaces; attract young people such as schools, places of worship and diverse cultural communities.

The combined findings of the consultations and information mapping gave rise to significant concerns and were extensive and expensive.

“It was the Council’s view that having regard to each ward and recognising that because of the mix of uses, the character, the strategic vision and the existing locations of particular types of premises in those wards, it would be inappropriate for sex establishments to be located in its wards. The association that sex establishments have with a part of the “sex industry” and adult entertainment means that they are not suitable for location in those parts of the borough associated with commerce, family retail and entrepreneurship, nor are they appropriate for location in residential areas or areas frequented by families and children. The Council’s nil per ward policy responds to this concern.” (para 4.12)
The work carried out by London borough of Hackney was carried out by an external consultant and was very extensive.

6. THE COUNCIL'S VISION

- 6.1 Cambridge City Council has a number of priorities for the City and any policy that is adopted should reflect these priorities. These priorities are laid out in a number of documents as outlined below.
- 6.2 The Council has a clear vision to lead a united city, 'One Cambridge - Fair for All', in which economic dynamism and prosperity are combined with social justice and equality. It's a vision we will share and develop, working with our citizens and partner organisations.

Our vision is for:

- A city which believes that the clearest measure of progress is the dignity and well-being of its least well-off residents, which prioritises tackling poverty and social exclusion, recognising that greater social and economic equality are the most important pre-conditions for the city's success.
- An international city which celebrates its diversity and actively tackles discrimination on gender, race, nationality, ethnic background, religion, age, disability, gender identity, and sexual orientation.
- A city in which all citizens feel that they are listened to and have the opportunity to influence public decision making, and which values, supports and responds to individual and community initiatives.
- A city where all citizens and organisations appreciate their duties as well as their rights, where people are free to enjoy themselves but also show consideration for others, and where the community works together to reduce harm and nuisance including by education and, where needed, robust enforcement of the law.
- A city where 'town' and 'gown' combine, and where mutual understanding and partnerships are developed through joint working, community initiatives and volunteering.
- A city which strives to ensure that all local households can secure a suitable, affordable local home, close to jobs and neighbourhood facilities.
- A city which draws inspiration from its unique qualities and environment and its iconic historic centre, and retains its sense of place across the city through positive planning, generous urban

open spaces and well-designed buildings, and by providing quality council services.

- An entrepreneurial city with a thriving local economy, in which businesses are assisted to build on their global and national pre-eminence in learning, discovery and production, and develop a full range of local employment and skills development, while also recognising and delivering on their social responsibilities.
- A city where getting around is primarily by public transport, bike and on foot.
- A city that takes robust action to tackle the local and global threat of Climate Change, both internally and in partnership with local organisations and residents, and to minimise its environmental impact by cutting carbon, waste and pollution.

7.0 SUMMARY

7.1 Cambridge City Council has a vision and the strategies in place for implementing that vision. A sexual entertainments venues policy must sit within the wider aspirations for the area and fit in with that vision.

7.2 There is currently no factual evidence available about the composition or nature of all the relevant factors that may need to be taken into account locally. However an indication has been given earlier in this report of what other local authorities have considered to be relevant for their areas. There is currently no clear and researched evidence to support the view that it would be in the best interests of those living and working in the city to adopt a “nil policy” in respect of the number of licensed sexual entertainment venues.

7.3 Members need to decide whether to fund further research into the potential option of adopting a nil policy for localities across Cambridge, or to adopt the policy as submitted and consider each application on its merits. It should be noted that the latter option allows members to decide if an application is appropriate for an area or not.

8.0 OPTIONS

1. To instruct officers to carry out appropriate research, consultation and analysis and to present their findings to a subsequent meeting of the Licensing Committee, subject to the Executive Councillor authorising the estimated expenditure in the region of £30,000,

or

2. To adopt the Sex Establishment Policy as originally drafted following consultation and as set out in Appendix C, noting that this will enable the licensing sub committee on each application to determine whether it is appropriate to licence any SEVs in the “relevant locality”.

9.0 CONCLUSIONS

A sex establishment licensing policy, albeit non- statutory, can play a pivotal role in the achievement of the pattern, quantum and standards of sex establishments to which the authority aspires. However, the policy must be reasonable and proportionate and must directly reflect the strategic objectives of the authority and the wider community.

10.0 IMPLICATIONS

(a) Financial Implications

If members resolve for this extensive research to be carried out it would involve costs in the region of £30,000, to carry out the research and also to undertake public consultation. This funding must be agreed by Executive Councillor for Environment and Waste Services and then the money is taken from the Councils reserves or a bid put in as part of the Council’s budget process.

(b) Staffing Implications

If members resolve that this extensive research should be carried out it will require considerable staff resources, in particular in the Council’s Environmental and Legal Services.

(c) Equal Opportunities Implications

Section 149 of the Equality Act 2010 obliges public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity between the sexes and to foster good relations between the sexes. If SEV licences were granted the

Council would be able to attach conditions to licences as appropriate, for example to protect performers from harassment and any threat to their dignity and to address any suggestion that women may be less welcome in premises than men. The fears of women and vulnerable persons using the vicinity of the premises can be addressed in decisions as to the locations of such facilities and by conditions. An Equality Impact Assessment (EqIA) (Appendix D) has been compiled addressing perceived equality issues and this will be further reviewed following decision of this committee.

(d) Environmental Implications

The environmental implications for the relevant locality are one of the matters that the Committee should consider in determining each application.

(e) Human Rights

The following human rights are potentially engaged:

Article 8: This protects the right to a private and family life, home and correspondence

Article 10: This protects the right to freedom of expression, including artistic expression

Article 1: This protects the peaceful enjoyment of possessions

Section 19 of the Human Rights Act 1998 requires a Minister of the Crown in charge of a Bill to make a written statement of compatibility with the rights conferred by the European Convention on Human Rights. While the Local Government (Miscellaneous Provisions) Act preceded the Human Rights Act, the provisions of the Policing and Crime Act 2009 post-dated it. In considering the application of the provisions relating to sexual entertainment venues the Council can be assured that the wide powers they have been given to control SEV's have themselves been validated in human rights terms.

(f) Community Safety

The Government's intention is to give local people a greater say over the number and location of sexual entertainment venues within their area. The introduction followed consultation with local authorities which highlighted concerns that the existing legislation did not give communities sufficient powers to control where lap-dancing clubs were established. The adoption of the amendment and associated procedures provide checks and balances to ensure greater community involvement.

BACKGROUND PAPERS

The following are the background papers that were used in the preparation of this report:

- Local Government (Miscellaneous Provisions) Act 1982
- Cambridge City Council Sex Establishment Policy
- Cambridge City Council's Our Vision – 'One Cambridge –Fair for All'

APPENDICES

Appendix A – Cambridge City Council Sex Establishment Policy

Appendix B – Comments received from Public Consultation and with summary and response to the comments.

Appendix C – Draft Sex Establishment Policy

Appendix D – Equality Impact Assessment

To inspect these documents contact Yvonne O'Donnell on extension 7951. The author and contact officer for queries on the report is Yvonne O'Donnell on extension 7951.

Report file: M:Licence/04 – OTHER LICENCES/Sex Establishments/Committee reports/SEV Policy 2016

Date originated: 21 September 2016

Date of last revision: 21 September 2016



CAMBRIDGE CITY COUNCIL

SEX ESTABLISHMENT LICENSING POLICY

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Appendix B – Model Conditions for Sexual Entertainment Venues	

1. The City of Cambridge

- 1.1 Cambridge is a unique blend of market town, sub-regional centre, national and international tourist attraction and centre of excellence for education and research. It is a city of great beauty and is renowned for the qualities of its streets, spaces and buildings.
- 1.2 Cambridge City Council, in association with local partnerships wants Cambridge to be vibrant, socially mixed, safe, convenient and enjoyable, where all residents feel integrated into the life of the City and a part of its success.
- 1.3 Cambridge City Council has a clear vision for the future of the City, a vision shared with Cambridge citizens and partner organisations. Our vision includes:
 - A city that is diverse and tolerant, values activities which bring people together and where everyone feels they have a stake in the community
 - A city where people behave with consideration for others and where harm and nuisance are confronted wherever possible without constraining the lives of all
- 1.4 The overarching objectives of Cambridge City Council in licensing Sex Establishments are to:
 - Promote the Authority's visions and values
 - Protect the rights and health and safety of the general public, workers, residents, businesses, minority and vulnerable groups and
 - Ensure the principles of consistency, transparency, accountability and the promotion of good standards in licensing
 - Demonstrate compliance with statutory responsibilities in relation to procedures and enforcement
 - Ensure consistent and transparent decision making

2. Introduction

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) does not require the publication of a sex establishment licensing policy, however we recognise the benefits of having such a policy. A sex establishment licensing policy can play a pivotal role in the achievement of the pattern, number and standards of sex establishments within the City.
- 2.2 This document sets out the policy which will guide the Licensing Authority when considering applications and will generally be applied when making decisions on applications.
- 2.3 We will determine each application on its individual merits and this policy should not be regarded or interpreted as an indication that any requirement of the relevant law may be overridden.
- 2.4 We may depart from this policy if, in the interests of the promotion of the objectives, the individual circumstances of any case merit such a decision. We will give full reasons for departing from the policy.
- 2.5 The 1982 Act introduced a licensing regime to control Sex Establishments. On 19th October 1989, Cambridge City Council resolved to bring into force

from 27th November 1989 Schedule 3 of the Act, which provided for the control of sex establishments (i.e. sex shops and sex cinemas).

2.6 Section 27 of the Policing and Crime Act 2009 (the 2009 Act), which came into force on 6th April 2010, amends Schedule 3 to the 1982 Act, providing for the control of a new category of sex establishment called a Sexual Entertainment Venue. The amendment allows councils to regulate lap dancing clubs and similar venues as sex establishments. On 21st October 2010, Cambridge City Council resolved that Schedule 3 to the 1982 Act as amended by section 27 of the 2009 Act should apply to the Cambridge City Council area commencing from 1st December 2010.

2.7 In carrying out our licensing functions, we will have regard to the following:

2.7.1 The Local Government (Miscellaneous Provisions) Act 1982

2.7.2 Any supporting regulations

2.7.3 Guidance issued by Central Government

2.7.4 This statement of licensing policy

We must also fulfil our obligations under s17 of the Crime and Disorder Act 1998, to do all that we reasonably can to prevent crime and disorder in Cambridge.

2.8 The Policy should be read in conjunction with, and without prejudice to, other existing national and European Union legislation, including the Human Rights Act 1998, the Equality Act 2010, the Disability Discrimination Act 1995, the Provision of Services Regulations and the Regulators' Compliance Code (as set out under the Regulatory Reform Act 2006).

2.9 The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and victimisation; and to promote equality of opportunity and good relations between persons of different racial groups.

2.10 In carrying out our licensing functions we will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate against anyone on the grounds of age, gender, race, sexual orientation, disability, gender reassignment, religion or belief.

2.11 We do not take a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is our role as the licensing authority to administer the licensing regime in accordance with the law.

2.12 The 1982 Act and the 2009 Act can be viewed at www.opsi.gov.uk

3. Consultation

3.1 In preparing this policy statement we have consulted with the following:

- the Chief Officer of Police for Cambridgeshire
- the Chief Officer of the Cambridgeshire Fire and Rescue Service

- persons/bodies representative of local holders of premises licences
 - persons/bodies representative of local holders of club premises certificates
 - persons/bodies representative of businesses and residents in the City of Cambridge
 - the child protection agency
 - other organisations as appear to the Licensing Authority to be affected, including councillors, local community, cultural, educational and entertainment organisations.
- 3.2 We consulted on this policy between 31st January 2011 and 26th April 2011 and was approved by Licensing Committee on 24th October 2011
- 3.3 We have considered the views of all those consulted prior to determining this policy.

4. **Sexual Entertainment Venues**

Sex establishment licences are required for

- 4.1 *'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.'*
- 4.2 *'Relevant entertainment' is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)".* An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 4.3 In deciding whether entertainment is "relevant entertainment" We will judge each case on its' individual merits, however we would expect that the following forms of entertainment as they are commonly understood will be "relevant entertainment":
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows
 - Topless Bars
 - Premises where private entertainment booths are present

This list is not exhaustive and as the understanding of the exact nature of these descriptions may vary, should be treated as indicative only. Ultimately, decisions as to whether entertainment is "relevant entertainment" will depend on the content of the entertainment and not the name it is given.

- 4.4 The following premises are not sexual entertainment venues:
- Sex shops and sex cinemas
 - Premises which provide relevant entertainment on an infrequent basis. These are premises where-

- a) relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours.
- other premises or types of performances or displays exempted by an order of the Secretary of State.

4.5 Premises providing relevant entertainment on an infrequent basis will continue to be regulated under the Licensing Act 2003 (the Licensing Act).

4.6 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether express or implied.

5. Sex shops and sex cinemas

5.1 Sex Establishment Licences are required for "sex cinemas" and "sex shops". "Sex shop" means any premises, vehicle, vessel or stall that is used for a business which consists to a "significant degree" of selling, hiring, exchanging, lending, displaying or demonstrating with "sex articles".

5.2 The phrase "sex articles" is defined in the 1982 Act, but the phrase "a significant degree" is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- the ratio of sex articles to other aspects of the business
- the absolute quantity of sales
- the character of the remainder of the business
- the nature of the displays in the business
- turnover
- other factors which appear to be materially relevant

6. Requirement for a Licence

6.1. Any person wishing to operate a sex establishment as defined by Schedule 3 to the 1982 Act requires a sex establishment licence, unless we have waived the requirement for a licence.

6.2 We will normally grant a licence for a period of one year, but we may exercise our discretion to issue a licence for a shorter period if we consider this to be appropriate.

7. Waiver

7.1 We may, upon application, waive the requirement for a licence in any case where we consider that to require a licence would be unreasonable or inappropriate.

7.2 Waivers may be granted to;

- Book shops, including shops where sale of DVD's and CD's are present
- Sexual Health Clinics
- Cases where we consider that the requirement for a licence is borderline, where events are minor or temporary, or where clarity or regularisation is required.
- Educational Establishments as part of a recognised educational curriculum

7.3 We will consider each application for a waiver on its individual merits, however, any establishment that would normally require a licence under the provisions of the 1982 Act is unlikely to be granted a waiver other than in exceptional circumstances.

7.4 In order for a waiver to be considered, an applicant must provide the basic information included in the application form, and any other information that we may reasonably require in order to make our decision.

7.5 A waiver may be for such period as the Licensing Authority thinks fit. Where we grant an application for a waiver, we will give notice to the applicant stating the application has been granted. We may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate, on a date not less than 28 days from the date on which we give the notice, or as may be specified in the notice.

8. The Licensing Act 2003

8.1 Premises holding a sexual entertainment venue licence will not require a premises licence under the Licensing Act 2003 unless the premises is carrying on other licensable activities e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment.

8.2 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act.

8.3 Premises which fall under the exemption created for infrequent entertainment do not require a sexual entertainment licence, but will instead need an appropriate authorisation under the Licensing Act, for example to cover the performance of dance. An exemption for live music or the playing of recorded music, which is integral to the entertainment, does not apply to such venues.

9. Location of Licensed Premises

9.1 We have not imposed a limit on the number of premises that may be licensed in any area of the City, however, whilst deciding each application upon its own merits we will not normally licence premises that are in close proximity to:

- 9.1.1 a residential area
 - 9.1.2 a school, nursery or any other premises substantially used by or for children under 16 years of age;
 - 9.1.3 a park or other recreational areas used by or for children under 16 years of age;
 - 9.1.4 a church or other place of religious worship;
- 9.2 In addition, we will consider public safety issues when determining whether an area is appropriate; for example, areas that attract a high percentage of female, elderly or young users may be considered to be inappropriate. Where we receive an application, which we consider to be within close proximity to those areas or premises identified in paragraph 9.1, the application will not be automatically refused. Applications presenting genuinely exceptional circumstances may be granted.
- 9.3 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.
- 9.4 We would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

10. Commenting on licence applications

- 10.1 A wide range of people can raise objections about sex establishment licences. The Police are a statutory consultee for all applications.
- 10.2 We can only consider objections that are relevant to the statutory grounds for refusal set out in the 1982 Act and are received within the 28-day period for making objections.
- 10.3 We will notify applicants of any observations made by the Chief Officer of Police and provide details in general terms of objections that we have received within the 28-day period. We will not without the consent of the person making the objection reveal his/her name or address to the applicant.
- 10.4 Where no relevant objections are made, or objections are withdrawn, officers will grant the licence under the scheme of delegated powers.
- 10.5 Licensing Sub-Committee will consider all applications where there are relevant objections. We will give both applicants and objectors an equal opportunity to state their case in accordance with our hearings procedure.
- 10.6 We will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Our officers will make decisions on whether objections are frivolous or vexatious. Where objections are rejected the objector will be given a written reason.

11. Determining Applications

- 11.1 In considering any application for the grant, renewal or transfer of a licence we will have regard to any observations submitted by the Chief Officer of Police and any relevant objections that we have received within the 28-day period.
- 11.2 Where we refuse to grant, renew or transfer a licence, we will send notice of the reasons for our decision to the applicant within seven days.
- 11.3 An applicant must be a suitable person to hold a licence. In determining suitability for a new licence, or a transfer of an existing one, we will consider all relevant information including the following:
- Previous relevant knowledge and experience of the applicant;
 - The operation of any existing or previous licence(s) held by the applicant, including any licence held in any other area.
 - Any report about the applicant and management of the premises received from statutory objectors.

12. Terms, conditions and restrictions

- 12.1 We may impose terms, conditions and restrictions on the grant of a licence. Where imposed, these will be necessary, non-discriminatory and proportionate.
- 12.2 We have model conditions relating to sex establishments and sexual entertainment venues. The conditions which may be attached to a licence are set out in Appendices A and B to this policy.
- 12.3 We will consider all applications on an individual basis and may impose additional or alternative conditions tailored to individual premises.

13. Grounds for refusal

The 1982 Act sets out mandatory and discretionary grounds for refusal of a licence.

- 13.1 We will not grant a licence;
- a) to a person under the age of 18; or
 - b) to a person who is for the time being disqualified under paragraph 17 (3) of Schedule 3 to the 1982 Act; or
 - c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
 - d) to a body corporate which is not incorporated in an EEA state; or
 - e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 13.2 We may refuse:

- i) an application for the grant or renewal of a licence on one or more of the grounds listed in a) – d) below:
- ii) an application for the transfer of a licence on either or both of the grounds specified in paragraphs a) and b) below:

The grounds are:

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application determined is equal to or exceeds the number which the Licensing Authority consider is appropriate for that locality. Nil may be the appropriate number.
- d) that the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality, or to the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

13.3 The 'relevant locality' means: in relation to premises, the locality where they are situated; and in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

13.4 We have not made a decision to determine the number of sex establishment premises appropriate for the City of Cambridge however this may be subject to review.

13.5 We may refuse applications for a sex establishment licence where we are not satisfied that the application has been advertised in accordance with the requirements of the 1982 Act.

13.6 We may refuse to accept an application where we consider that relevant information has been omitted or an application is incomplete.

14. Hearing

14.1 Where relevant objections have been made we will give applicants the opportunity of appearing before the Licensing Sub-Committee.

14.2 We will advise the applicant and objectors of the date, time and venue of the hearing.

14.3 A copy of the committee report will be published on our website at least 5 days prior to the hearing. The report will contain a summary of the application, objections and any other relevant information.

14.4 The hearing will be conducted in accordance with our hearings procedure.

14.5 The Licensing Sub-Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within seven days.

14.6 Whilst the Act does not stipulate a timescale for hearing applications, where objections have been submitted and accepted, we aim to determine an application within 20 working days from the close of the 28-day period for receiving objections.

14.7 Applicants have a right of appeal to a Magistrates Court.

15. Enforcement

15.1 We will establish protocols with the police and any other relevant enforcement body on enforcement issues. These protocols will target agreed problems and high-risk premises, which require greater attention, while providing a lighter touch approach in respect of low risk premises that are well run.

15.2 In general, action will only be undertaken in accordance with the Council's enforcement policy, as adopted at the time, which reflects the Council's obligations relating to enforcement and is consistent with the Regulators Compliance Code. To this end, the key principles of consistency, openness, proportionality, clear standards and practices, courtesy and helpfulness and training will be maintained.

15.3 Cambridge City Council's enforcement policy is available on our website: <http://www.cambridge.gov.uk/enforcement-policy>

16. Amendments to Policy

16.1 Any significant future amendment to this policy will only be implemented after further consultation.

For the purpose of this section, any significant amendment is defined as one that:

(a) is likely to have a significant financial effect on the licence holders, or

(b) is likely to have a significant procedural effect on the licence holders, or

(c) is likely to have a significant effect on the community.

16.2 Any minor amendments to this Policy may be authorised by the Licensing Committee.

16.3 We retain the right to review the policy as deemed necessary, or as required due to legislative changes and Government guidance.

17. Integration with Council Strategies and the avoidance of duplication

17.1 By consultation and liaison, we will secure the proper integration of this policy with local crime prevention, planning, transport, tourism, race equality and equal opportunity schemes, cultural strategies and any other plans introduced for the management of the City and the night-time economy.

17.2 So far as is possible, the policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators.

17.3 It is likely that certain aspects of the activities of a sex establishment will be licensed under the Licensing Act 2003 e.g. a bar in a lap-dancing club. We will not normally attach conditions to a sex establishment licence, which can just as well be attached to a premises licence under the 2003 Act.

18. Exchange of information

18.1 We may from time to time exercise our powers under section 115 of the Crime & Disorder Act 1998 to exchange data and information with the police and other partners to fulfil our statutory objective of reducing crime in the area.

18.2 Details of applications and objections which are referred to a Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

19. Administration, exercise and delegation of functions

19.1 The functions of the Licensing Authority under the 1982 Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

19.2 Many of the decisions and functions will be largely administrative in nature. In the interests of speed, efficiency and cost-effectiveness these will, for the most part, be delegated to officers.

20. Fees

20.1 Fees are set each year. Details are available from the licensing team and on our website <http://www.cambridge.gov.uk/sex-establishments> We charge a separate fee for applying/ varying/ transferring a licence and renewing a licence.

21. Effective Date and Review

21.1 This policy statement will take effect on 24th October 2011.

21.2 The policy statement will be kept under review and will be subject to further review and consultation before 24th October 2016.

22. Contact details, advice and guidance

22.1 Applicants can obtain further details about sex establishment licensing application processes, including application forms and fees from:

website: www.cambridge.gov.uk

e-mail: licensing@cambridge.gov.uk

telephone: 01223 457879

fax: 01223 457909

post: Licensing, Environmental Services
Cambridge City Council, PO Box 700,
Cambridge, CB1 0JH

in person: Customer Service Centre, Mandela House, 4, Regent
Street, Cambridge, CB2 1BY (Monday to Friday 08:00-
18:00)

Electronic applications can also be made online via the GOV.UK
website:
[www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/cambridge/
apply-1](http://www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/cambridge/apply-1)

- 22.2 This policy can be made available in large print on request and similarly translations can be made available in a variety of languages. Please contact us for further help or assistance.
- 22.3 Informal discussion is encouraged prior to the application process in order to resolve any potential problems and avoid unnecessary hearings and appeals.

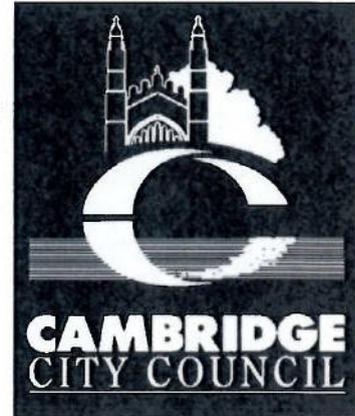
Appendix A

Cambridge City Council reserves the power to alter, modify or dispense with these conditions as it sees fit at any time.

CAMBRIDGE CITY COUNCIL

SEX ESTABLISHMENT LICENCE CONDITIONS

Sex Shops and Sex Cinemas



These conditions may be applied to the licensed sex establishment at (the licensed premises) as granted under the 3rd Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

1. Hours of Opening

- 1.1 The licensed premises shall not be open to the public before 9.30 am and shall not be kept open after 6.00 pm from Monday through to Saturday (inclusive) except that the premises may open to the public until 8pm on Fridays.
- 1.2 The licensed premises shall not be open to the public on Sundays, Christmas Day or Good Friday.

2. Management and Staffing of the Licensed Premises

- 2.1 Where the Licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the Licensing Authority.
- 2.2 The name of the person responsible for the management of the licensed premises, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.
- 2.3 The Licensee shall notify the Licensing Authority and the Police of the name and address, and date of birth of any manager or employee involved at the premises within 7 days of them commencing employment. In the case of existing staff at the time the Sex

Establishment licence comes into operation for the first time, this information shall be supplied to the Licensing Authority within 14 days of the licence coming into operation. The Licensing Authority can object to persons being involved with the premises where the Authority considers that they are unsuitable by reason of having been convicted of an offence or for any other reason. Where the Licensing Authority has objected in writing to any person(s) they shall not be involved or employed at the premises

- 2.4 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for the management of the premises. . An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of details and a satisfactory photograph by the Licensee. A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.
- 2.5 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 2.6 The Licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- 2.7 Neither the Licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts posters or similar ,
- 2.8 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.
- 2.9 No amusement or gaming machines of any kind, whether for prizes or other wise, shall be kept or used upon the licensed premises at any time.

3 External Appearance

- 3.1 Windows and openings to the licensed premises other than entrances shall not be obscured otherwise than with the consent of the Licensing Authority but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Licensing Authority. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 3.2 and 3.3.

- 3.2 The Licensing Authority shall approve the design of the front elevation of the shop which shall include reference to the name of the shop, its postal address, opening hours, website address and any security grilles/shutters.

(As a general rule the name of the premises shall be of an uncontentious nature and light colours used throughout to the Licensing Authority's approval)

- 3.3 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the licensed premises . There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order. On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

WARNING

"Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age"

4 Maintenance and Repair

- 4.1 The Licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times. This will include the need to maintain the front and rear of the premises in a clean and tidy condition, and to take appropriate measures to keep secure from public access (including unauthorised access) refuse and discarded sex articles/waste stock emanating from the premises pending prompt removal from site.
- 4.2 The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

5 General

- 5.1 The licence shall be revocable in the event of the Licensing Authority being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.
- 5.2 IN ADDITION TO THE ABOVE CONDITIONS, IT IS THE DUTY OF THE LICENCE HOLDER TO COMPLY WITH ALL THE REQUIREMENTS OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.

Cambridge City Council reserves the power to alter, modify or dispense with these conditions as it sees fit at any time.



CAMBRIDGE CITY COUNCIL SEXUAL ENTERTAINMENT VENUE LICENCE CONDITIONS

These conditions may be applied to the licensed sexual entertainment venues as granted under the 3rd Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

1. Management and Staffing of the Licensed Premises

1.1 The Licensee shall at all times conduct the premises in a decent, sober and orderly manner. In particular the Licensee shall take whatever steps are necessary to ensure that none of the following takes place:

- (a) Indecent behaviour including sexual intercourse;
- (b) The offer of any sexual or other indecent service for reward;
- (c) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
- (d) Any acts of violence against persons or property and/or the attempt or threat of such act likely to cause a breach of the peace.

1.2 Where the Licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the Licensing Authority.

1.3 The name of the person responsible for the management of the licensed premises, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.

1.4 The Licensee shall notify the Licensing Authority and the Police of the name and address, and date of birth of any manager or employee involved at the premises within 7 days of them commencing employment. In the case of existing staff at the time the Sex Establishment licence comes into operation for the first time, this information shall be supplied to the Licensing Authority within 14 days of the licence coming into operation. The Licensing Authority can object to persons being involved with the premises where the Authority considers that they are unsuitable by reason of having been convicted of an offence or for any other reason. Where the

Licensing Authority has objected in writing to any person(s) they shall not be involved or employed at the premises

- 1.5 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for the management of the premises. . An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of details and a satisfactory photograph by the Licensee. A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.
- 1.6 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 1.7 The Licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- 1.8 Neither the Licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts posters or similar.
- 1.9 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

2. The Premises

- 2.1 Windows and openings to the licensed premises other than entrances shall not be obscured otherwise than with the consent of the Licensing Authority but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Licensing Authority. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to condition 2.2.
- 2.2 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the licensed premises. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order. On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

WARNING

“Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age”

- 2.3 The Licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times. This will include the need to maintain the front and rear of the premises in a clean and tidy condition, and to take appropriate measures to keep secure from public access (including unauthorised access) refuse and

discarded sex articles/waste stock emanating from the premises pending prompt removal from site.

- 2.4 The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.
- 2.5 CCTV shall be installed, maintained and operated to the satisfaction of the Council, to cover all areas where dancing takes place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.
- 2.6 Tape recordings shall be kept secure and shall be made available to an Authorised Officer of the Council or a Police Officer, on request.2.7 No person shall take any video recordings or photographs of the authorised entertainment. Notices to this effect shall be clearly displayed within the venue.2.8 There must be no display outside the premises of photographs or other images, which indicate that entertainment involving nudity or sexual performances takes place on the premises.
- 2.9 There shall be no private booths
- 2.10 Entertainment, including dancing, which involves nudity or sexual performances of any kind, must not be visible from outside the premises.
- 2.11 Performers shall be provided with separate dressing/changing rooms, which shall be located so as to be separate and apart from the public facilities.
- 2.12 No person other than performers and authorised staff shall be permitted in the dressing/changing rooms.
- 2.13 Safe and controlled access to the dressing rooms for performers must be maintained at all times. A nominated person should monitor and supervise the performers' dressing/changing rooms.
- 2.14 Dressing/changing rooms are to include make-up lighting, mirrors and seating.
- 2.15 A curtain or similar such screen shall be provided so as to maintain privacy at all times when the dressing/changing room door is opened.
- 2.16 There shall be adequate licensed door supervisors in attendance on the premises when such entertainment is taking place. Of these door supervisors, at least one shall be female. Door supervisors shall be positioned at all entrances to the premises throughout the performance and shall be present in the room in which the performance takes place.
- 2.17 All persons working as door supervisors must be approved and licensed by the Security Industry Authority (SIA). The Council will not normally consider the Licensee or the designated Premises Supervisor to be a door supervisor.

3. Performers

- 3.1 A register is to be kept of all staff working each day/evening .

- 3.2 Performers shall be aged not less than 18 years. Valid proof to be held on the premises of the age of each of the performers
- 3.3 No performer shall be allowed to work if, in the judgement of the Management, they appear to be intoxicated, or under the influence of illegal substances.
- 3.4 No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
- 3.5 Performers shall not use any props or clothing in the Act, which portrays them as a minor.
- 3.6 When making their way from the dressing/changing room to the dance area each performer will be robed. They will also be accompanied into the dance area by a licensed door supervisor. On the journey from the dance area to the dressing/changing room they will be robed and accompanied by a licensed door supervisor.
- 3.7 There shall be no physical contact between customers and the dancers except for the placing of gratuities into the hands or garter of the dancer at the beginning or conclusion of a performance. Whilst the dancers are performing there shall be a minimum distance of 1 metre between the dancer and the seated customers.
- 3.8 Garters worn for the collection of gratuities shall be situated no higher than mid thigh.
- 3.9 Performers providing either table or lap dancing performances are to remain standing throughout the performance of the dance.
- 3.10 There shall be no table or lap dance performances given to customers seated or standing at a bar.
- 3.11 Dancers shall re-dress at the conclusion of the performance and are to remain clothed at all times except when giving a performance.
- 3.12 The Licensee, Designated Premises Supervisor or a licensed door supervisor will immediately deal with any report of contact, misconduct or provocation by a customer or a dancer.

4. General

- 4.1 Whilst the agreed activities are taking place, no person under the age of 18 shall be allowed onto that part of the premises. Customers who appear to be under the age of 25 must be asked to provide photographic proof of their age. The licensee must provide and display clear notices to this effect at each entrance to the premises and in a prominent position so that it can be easily read by persons entering the premises.
- 4.2 No customer shall be admitted to the premises or allowed to remain in the dance area if, in the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.

- 4.3 Customers shall remain seated at all times whilst in the dance area, other than when they arrive, depart, visit the toilet or go to the bar.
- 4.4 Dance entertainment shall be given only by performers/entertainers who are engaged exclusively for that purpose and have been provided with a copy of the Performance Code of Conduct by the Licensee. Audience participation shall not be permitted.
- 4.5 No persons other than dancers shall be in the dance area in a state of undress.
- 4.6 Dance entertainment shall only be performed in the area of the club as marked on the plans deposited with the Licensing Authority.
- 4.7 Customers shall not proposition performers or behave in a disorderly manner. Offenders must be removed from the premises. Appropriate notices stating these 'house rules' shall be displayed in prominent positions throughout the premises.
- 4.8 No telephone number, address or information leading to any further meeting may be passed from customer to performer or vice versa.
- 4.9 If performers are invited to have a drink with a customer the performer shall remain fully clothed during this period. Performers shall not be paid commission on the sale of beverages.
- 4.10 On leaving the premises performers shall be escorted to their transport by a registered door supervisor.
- 4.11 A clear copy of these conditions shall be exhibited at all times in or near the performers' dressing/changing rooms. These conditions shall be protected against theft, vandalism or defacement.
- 4.12 The Licensee is to ensure that prior to engagement, all performers provide documents proving that they are over 18 years of age and documents proving that they are legally entitled to work in the UK. Such documents are to be copied and retained on the performer's file.
- 4.13 All performer files are to be retained for a period of six months after engagement, and made available to the statutory authorities upon request if required for investigative purposes.
- 4.14 Where the Licensee employs performers from an agency, the performers must still provide the relevant documentation as required in the condition above. Details of agencies providing performers are to be made available to the statutory authorities upon request.
- 4.15 The licence shall be revocable in the event of the Licensing Authority being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.
- 4.16 **IN ADDITION TO THE ABOVE CONDITIONS, IT IS THE DUTY OF THE LICENCE HOLDER TO COMPLY WITH ALL THE REQUIREMENTS OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.**

APPENDIX B – Summary of Responses to Licensing Policy

Area of Policy	Ref	Respondent	Summary of Comments	Consideration/appraisal	Response
Section 3	3.1	Individual Respondent	The list in section 3.1 doesn't seem to include users or is it just assumed you know who they are?	Comment considered. Users would have been included in residents of Cambridge City and could respond to consultation.	Impossible to target specific users therefore no reason for a separate group be placed in the policy.
Section 5	5	Individual Respondent	I thought that to sell R18 films you have to have a sex shop licence yet section 5 makes no mention of this. Section 5.2 suggests that charity shops could sell R18 films without a licence.	Comment considered. Section 5.2 could be interrupted in this way.	Any sale of R18 films needs a sex shop licence. This has been added to the Policy for determination.
Section 9	9.1.4	Individual Respondent	9.1.4 should be deleted. Supports those making moral objections and therefore sidesteps sections 2.11 and 10.6. What would happen if a church opened adjacent to an existing establishment, would that establishment then have its licence revoked or have its next renewal refused?	Comment considered.	9.1.4 should not be deleted. No indication that objections would be received from this type of premises and that they would be on a moral basis. Policy states "not normally licence premises that are in close proximity to". This is not a definite refusal and if a church or other place of religious worship opened near a premises with a sex establishment licence, the renewal would only go to a hearing if relevant representation were received and the decision would then be based on any evidence provided.
General	2.8, 2.9	Individual Respondent	Paragraph 2.9 should be with 2.8.	Comment considered.	2.8 refers to policy being read in conjunction with other legislation. 2.9 refers to legal obligation. The two are not the same and need

APPENDIX B – Summary of Responses to Licensing Policy

					to be separate in the policy.
General	2.11, 10.6	Individual Respondent	Comment is in regard to wording of both paragraphs and for a more positive approach to be taken.	Comments considered	Wording of both conditions to be left as it is in current policy.
Section 15	Section 15	Individual Respondent	Section on Enforcement is not clear as to how a member of the public would make a complaint	Comments considered	Section 15 gives a link to enforcement policy, which contains information on how the public can make a complaint and who to contact.
General		Darker Enterprises Limited	Document should not be called a policy as implies something of a binding nature.	Comments considered	The policy states that each application will be treated on individual merit. Being called a policy does not affect this so would leave it named as a policy.
Section 7	7.2	Darker Enterprises Limited	Add following to paragraph 7.2 "Existing licence holders during legal action following a refusal of an application"	Comments considered	A decision not to renew a licence would be taken in the normal way and the appeal process would follow the appeal guidelines. SEV, Sex Shop or Sex Cinema would not be able to trade until the appeal is heard and a decision is made. The waiver is for special circumstance, not for refused renewals. Would not amend the policy on that basis.
Section 10	10.6	Darker Enterprises Limited	Add following to paragraph 10.6 "The council is obliged to grant the renewal application unless they are satisfied that there are good reasons why it should be refused. Before	Comments considered	This would form the basis of any advice given in a committee report before

APPENDIX B – Summary of Responses to Licensing Policy

			deciding to refuse a licence, it will be considered whether grounds for refusal can be met instead by the imposition of conditions. There is also need to be satisfied that any grounds are sufficiently serious to justify refusal i.e. that refusal of application is a proportionate response."		a hearing to renew the licence. Is not needed to be added to the policy.
Section 11	11	Darker Enterprises Limited	Add following to Section 11 "If applicable, due weight will be given to the fact that the licence has been held for a number of years previously".	Comments considered	Would not add this to the policy as the applicant would be able to bring this up at any hearing, which members could then make their decision based on the evidence presented to them.
Section 14	14.5	Darker Enterprises Limited	Amend 14.5 by removing term parties and replacing with "the applicant and the objectors".	Comments considered	Agree that the wording should be amended in the policy as per suggestion.
Section 14	14.6	Darker Enterprises Limited	Appears 14.6 has first line missing.	Comments considered	Was a typo and policy has been corrected.
Section 14	14.7	Darker Enterprises Limited	Paragraph 14.7 is incorrect. There is only an appeal to the Magistrate Court in respect of a refusal on the grounds of suitability of applicant.	Comments considered	Do not believe this to be correct. The only decisions that cannot be appealed are listed in Section 12 (1) and Section 12 (3) (a) and (c) of Schedule 3 of Local Government (Miscellaneous Provisions Act) 1982. Section 27 of the same Act covers appeals. Wording on policy amended to "Applicants have right to

APPENDIX B – Summary of Responses to Licensing Policy

					appeal to a Magistrates Court as per Section 27 of Schedule 3 of Local Government (Miscellaneous Provisions Act) 1982.”
Nil Policy		Cambridge Rape Crisis Centre	We strongly recommend that Cambridge City Council introduce a “nil” policy for Sexual Entertainment Venues	Comments considered.	This was raised in 2011 when the policy was first being considered. At that time, two other local authorities were put forward as examples as ones that had adopted a “nil policy”. These were City of London and London Borough of Hackney. Before both adopted a “nil policy”, an extensive and comprehensive consultation was carried out. The cost of the City of London consultation was stated at costing £30,000. Harrow Council and Haringey Council have both adopted “nil policies” as well. None of the four policies have been reviewed since 2011. Cambridge City Council decided against starting a consultation into adopting a nil policy and adopted

APPENDIX B – Summary of Responses to Licensing Policy

					<p>the current policy. Cambridge City has only one licensed sex shop and since 2011 no new applications have been received for SEV's or Sex Shop and Cinema's. Without undertaking an extensive and expensive consultation, a "nil policy" could not be adopted. Section 9.1 and 9.2 takes into account the location of any application for a licensed premises. Section 13.4 makes reference to not having a nil policy but the policy can be reviewed at any time. Recommendation is to adopt the amended policy without a nil policy. No evidence has been provided that Cambridge City would benefit from or needs a nil policy.</p>
Gender Equality		Cambridge Rape Crisis Centre	We strongly recommend that you explicitly include "the promotion of gender equality" as a specific objective for Sex Establishment licensing in your licensing policy.	Comments considered	The Council will have due regard to the public sector equality duty which came into force on 5 th April 2011.
Conditions of Licence		Cambridge Rape Crisis Centre	Strongly recommend that a comprehensive set of standard conditions are applied to such licenses in order to help protect	Comments considered	A number of the suggested conditions have already

APPENDIX B – Summary of Responses to Licensing Policy

			women in this community.		been adopted in Appendix B of the policy.
Exemption		Cambridge Rape Crisis Centre	We further request that you monitor the impact of the "frequency exemption" which was included with the SEV licensing regime.	Comments considered	It is difficult to see how this can be monitored if the council is not required to be informed of such events. We are unaware of the number held since 2011 and unaware of complaints being raised. If an event of this nature received a complaint, we could monitor and address the situation.
General		Cambridge Rape Crisis Centre	We recommend that the Sexual Establishment Licensing Policy requires members of licensing sub-committees who wish to sit on hearings of relevance to gender (i.e. SEVs' sex establishments and so on) to have completed up to date basic training in gender equality and equality legislation.	Comments considered	All councillors receive basic training in equality matters.
General		Cambridge Rape Crisis Centre	We recommend that, in the absence of legal direction to the contrary, the Licensing Committee maintain a register of interested parties in reference to SEVs, sex establishments and so on, who will be informed by the Licensing Committee when applications are received of potential relevance for gender equality. This will ensure that the Council will be seen to fulfil its obligations to operate in a transparent and accountable manner.	Comments considered	The methods of advertising applications are set out in the legislation and do not provide for a register of interested parties. However we will inform the public of all applications by means of publishing a register on the licensing section of the council's website.
General		Cambridge Rape Crisis Centre	The working party of officers and councillors is at least equally gender balanced.	Comments considered	Neither legislation nor guidance require

APPENDIX B – Summary of Responses to Licensing Policy

			<p>The policy should make reference to good practice in SEV applications being heard by sub-committees that are at least equally gender balanced.</p>		<p>gender balanced sub committees. The licensing sub committee currently has 12 members, 8 male and 4 female. Any hearing will be heard in front of 3 members.</p>
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Luke Catchpole

From: Simon Geard [REDACTED]
Sent: 19 July 2016 18:15
To: licensing
Subject: Give your feedback on our review of our Sex Establishment Licensing Policy

Follow Up Flag: Follow up
Flag Status: Completed

Here is my feedback as requested.

- 1) The list in section 3.1 doesn't seem to include users, or is it just assumed you know who they are?
- 2) I thought that to sell R18 films you had to have a Sex-Shop licence yet section 5 makes no mention of this, does that mean there is no special requirement to sell R18 films - or is that covered under other licensing regulations? For example it would good if charity shops were able to sell R18 films without a licence - section 5.2 suggests implies this will become possible, is that correct?
- 3) I strongly believe that section 9.1.4 should be deleted. We live in a secular society and as such churches should have no special privileges over any other establishment. Certainly you could have a requirement about any outward display being suitably discrete but the inclusion of 9.1.4 is effectively supporting those making moral objections and therefore side-steps sections 2.11 and 10.6. What would happen if a church opened adjacent to an existing establishment, would that establishment then have its licence revoked or have its next renewal refused?

Regards,

Simon Geard

Luke Catchpole

From: David Blake [REDACTED]
Sent: 30 May 2016 15:32
To: licensing; David Blake
Subject: Review of our Sex Establishment Licensing Policy

Follow Up Flag: Follow up
Flag Status: Completed

Sir,

The revised draft policy document is well written and my comments are limited to:

1. Para 2.9. There does not appear to be a reason why the content of para 2.9 is in a separate paragraph. If there is a need, then sexual discrimination, which is more pertinent, should have a separate paragraph.
2. Para 2.11. " We do not take a moral stand in adopting this policy". Unless the Council is permitted to take a moral stand, as parliament has made it lawful to operate a sex establishment, the text in italics should not be included. Para 10.6 states that moral objections are outside the scope of the 1982 Act. I would suggest a more positive approach to say you will follow the existing law.
3. Enforcement. It is not clear how a member of the public for example, would make a complaint against an establishment should a licence be granted.

Regards

--
David Blake

[REDACTED]

Darker Enterprises Limited

Licensing Administration
Unit 3, Chancerygate Business Centre,
33 Tallon Road, Hutton,
Brentwood, Essex, CM13 1TE

Licensing Team
Environmental Services
PO Box 700
Cambridge
CB1 0JH

5th August 2016

Dear Sir/Madam,

Cambridge City Council public consultation – Review of Sex Establishment Licensing Policy

As the holder of Sex Shop licence, we submit our comments in respect of this as requested.

Our first submission is that the document should not be called a policy despite the contents of Paras. 2.3 and 2.4. This terminology implies something of a binding nature. As each and every application under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 must be considered on the situation 'at the time the application is made', a pre-determined policy might be considered a fetter on the decision making process. We would submit that the use of the words 'guidelines' would be preferable to policy. It would be less acceptable, but slightly clearer, if the term 'policy guidelines' were used instead of 'policy'.

We also make some specific comments below.

In Para 7.2, we suggest that the following be added:

- *Existing licence holders during legal action following a refusal of an application.*

This would ensure that any licensee challenging a decision could continue trading pending a final decision (but it would not permit the sale of R18 Videos).

In Para 10.6, we suggest that the following be inserted after the first sentence:

The Council is obliged to grant the renewal application unless they are satisfied that there are good reasons why it should be refused. Before deciding to refuse a licence, it will be considered whether grounds for refusal can be met instead by the imposition of conditions. There is also need to be satisfied that any grounds are sufficiently serious to justify refusal i.e. that refusal of the application is a proportionate response.

This is a summary of advice previously given by the Officers of the Council which clarify the obligations of the decision-makers.

In Section 11- **Determining Applications**, we would ask that the following be incorporated:

If applicable, due weight will be given to the fact that the licence has been held for a number of years previously

This reflects the statement of the Court of Appeal to this effect.

Para 14.5 reads:

The Licensing Sub-Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within seven days.

objections have been submitted and accepted, we aim to determine an application within 20 working days from the close of the 28-day period for receiving objections.

We submit that the use of the Term 'Parties' may give the impression that the hearing is between parties. The Courts have held that this is not the case. We suggest that 'all parties' be amended to read 'the applicant and the objectors'.

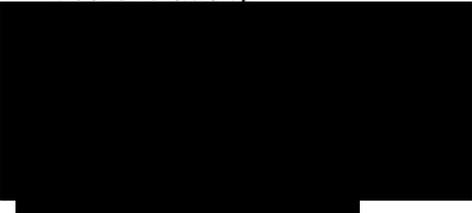
There seem to be a line missing as there is no Para 14.6 and the sentence beginning 'objections' (line 3) does not make sense.

Para 14.7 is incorrect. There is only an appeal to the Magistrates Court in respect of a refusal on the grounds of suitability of the applicant.

Finally, we note that there is no reference to the basis upon which fees are determined. Given the current case referred by the Supreme Court to the European Union Court of Justice, it is likely to be of importance that a council can demonstrate the basis upon which the fees are set.

We trust the foregoing is clear, but if you have any questions, we will be happy to answer them

Yours faithfully



Licensing Admin
For & on behalf of
Darker Enterprises Limited

Licensing and Enforcement team
Cambridge City Council
PO Box 700
Cambridge
CB1 0JH.

8th August 2016

Dear Licensing and Enforcement Team

Re: Response to Cambridge City Council public consultation - Draft Sex Establishment Licensing Policy

Thank you for informing us of your public consultation on the Cambridge City Council's Draft Sex Establishment Licensing Policy. We participated fully in the last consultation on the Council's draft policy in 2011 and our view on the matter has not changed as outlined in our response to the current consultation below.

We strongly recommend that Cambridge City Council introduce a 'nil' policy for Sexual Entertainment Venues, as permitted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act (LGMPA) 1982 and amended by Section 27 of the Policing and Crime Act (PCA) 2009.

The introduction of a nil policy on the granting of SEV licenses is perfectly permissible under the LGMPA (1982), as amended by the PCA (2009). Indeed, the statute specifically contemplates this option. As **Philip Kolvin QC, chair of the Institute of Licensing** states: "...the provision gives the authority a high degree of control, even amounting to an embargo, on sex licences or particular types of sex establishment, within particular localities. The width of the discretion is consolidated by the absence of any appeal against a refusal on this ground."¹

The introduction of a nil policy has been adopted by a number of local authorities including; by the London Boroughs of Hackney, Harrow Council and Haringey. In the view of Hackney council SEVs:

*"...contradict and undermine its stated aims and exacerbate the challenges it faces in bring about positive, genuinely sustainable characterful and thriving neighbourhoods which support the need and principle of upskilling its population and closing the education gap across its communities."*²

In Haringey, Councillor Nilgun Canver states: "This new legislation allows us to stop lap dancing and pole dancing clubs from setting up in sensitive areas where they will cause concern. We

¹ Kolvin, P. (2010) *Sex Licensing*, The Institute of Licensing, p.60

² Hackney Draft Sex Establishment Licensing Policy, 2010

consider this would apply to every ward and want this to be central to our policy. We are asking for comments from residents, to see if they support this stance³."

We are aware that some lap dancing club operators have threatened to appeal against the rejection of a Sexual Entertainment Venue (SEV) licence on the grounds that it violates their human rights under the Human Rights Act 1998 and that the two rights they threaten to invoke are the *right to freedom of expression* and the *protection of property*.

However, it is extremely unlikely that such an appeal would be successful considering that it is within the law for councils to set nil policies.

Furthermore, the two rights specified above are qualified, they are not absolute. **Philip Kolvin QC, Chairman of the Institute of Licensing**, states⁴:

"Where a rational decision has been taken by the licensing authority in accordance with the principle of the statute, it is most unlikely that the decision will be held to have been a disproportionate interference with human rights."

Indeed, before the Policing and Crime Bill became law – enabling local authorities to licence lap dancing clubs as Sexual Entertainment Venues under the LGMPA - the **Minister of the Crown** in charge of the Bill made a **written statement that the new law, including the provision to set nil policies, was compatible with the Human Rights Act 1998.**

Thus the power of local authorities to set a nil policy for Sexual Entertainment Venue licenses has been validated in human rights terms.

The reasons for introducing a nil policy are outlined below as factors the City Council should take into account in developing policy concerning the number and location of SEVs.

GENDER EQUALITY

We strongly recommend that you explicitly include ‘the promotion of gender equality’ as a specific objective for Sex Establishment licensing in your licensing policy.

The Equalities Act 2010 legally requires local authorities to promote equality between women and men in all that they do. The Equalities Act and associated duties are particularly relevant in relation to the licensing of sex establishments because of the gendered nature of sex establishments like lap dancing clubs, and because of the negative impact that lap dancing clubs have on efforts to promote equality between women and men. The negative implications of lap dancing clubs on women are outlined below:

Lap dancing clubs normalise the sexual objectification of women in contradiction to efforts to promote equality between women and men.

The links between objectification, discrimination and violence against women are recognised at the international level by the legally binding United Nations Convention to Eliminate Discrimination

³ http://www.haringey.gov.uk/index/news_and_events/latest_news/lap_dancing_ban.htm

⁴ Kolvin, P. (2010) *Sex Licensing*, The Institute of Licensing, p82

Against Women (CEDAW), which has repeatedly called on states – including the British Government - to take action against the objectification of women⁵. Similarly the UK-based End Violence Against Women coalition has called on the UK Government to tackle the sexualisation of women and girls because it provides a 'conducive context' for violence against women⁶.

Lap dancing clubs are a part of the sex industry and as such are linked with wider systems of prostitution

Research shows that the structural conditions of lap dancing clubs, where women compete with one another for private dances, lead to some dancers offering sexual services to survive financially⁷, a climate in which, according to an ex-lap dancer: 'No touching, not exposing your genitals, not allowing men to touch you is the exception rather than the rule.'⁸

Even if a club enforces a no touching rule and there is no sexual contact between dancer and customer, research further shows that strip clubs increase demand for nearby prostitution services⁹. This places lap dancing on a continuum of commercial sexual activity, irrespective of whether this sexual exchange occurs within the club itself.

Lap dancing clubs have a negative impact on women's safety in the local vicinity

Research undertaken in the London Borough of Camden found a fifty percent increase in sexual assaults in the borough after the rapid expansion of lap dancing clubs¹⁰. Personal testimony from women collected by human rights organisation OBJECT reinforces the idea of a link between the proliferation of lap dancing clubs and increased levels of sexual harassment for women in the vicinity:

'On separate occasions, I have had men say to me "How much for a dance love? I'll give you £20 to get yours out,"... they seem to always think that because they can pay to degrade and abuse women inside the club that I am no different'¹¹

The UK Royal Institute of Town Planning has further drawn attention to concerns regarding the impact of lap dancing clubs on women in the local areas: 'Evidence shows that in certain locations, lap dancing and exotic dancing clubs make women feel threatened or uncomfortable'¹².

Lap dancing clubs have a negative impact on women's safety in wider society

Lap dancing clubs normalise the representation of women as being always sexually available and this is worrying in light of widespread public opinion that women are in some way responsible for sexual assaults perpetrated against them. The links between the expansion of lap dancing clubs and an increase in the levels of sexual violence have been raised by organisations who work with victims and perpetrators of gender-based violence. For example, as **Chair of Rape Crisis**

⁵ 1979 Convention on All Forms of Discrimination Against Women (CEDAW) Article 5

⁶ Realising Rights, Fulfilling Obligations: An Integrated Strategy to End Violence Against Women (EVAW) 2008

⁷ Bindel, J. (2004) *Profitable Exploits: Lap Dancing in the UK*, London Metropolitan University, Child and Women Abuse Studies Unit (CWASU)

⁸ 'Elena' quoted in 'I was an Object, not a Person, The Guardian 19.03.08

⁹ Coy, M, Horvath, M & Kelly, L (2007) *It's just like going to the supermarket: Men talk about buying sex in East London* London: Child and Woman Abuse Studies Unit

¹⁰ Eden, I. (2003) *Lilith Report on Lap Dancing and Striptease in the Borough of Camden*, London: The Lilith Project, Eaves Housing for Women

¹¹ See www.object.org.uk for testimonies

¹² Royal Town Planning Institute (2007), *Gender and Spatial Planning, Good Practice Note 7*, 10 December 2007

England and Wales Nicole Westmarland reported that lap dancing clubs *'both support and are a consequence of sexual violence in society'*. This view is reiterated by the Director of the **White Ribbon Campaign**, an organisation which works with men to end violence against women: *'Any expansion of lap dancing clubs feeds an increase in the lack of respect for women'*¹³.

Furthermore, in response to research it commissioned into the impact of lap dancing clubs on the city, **Glasgow City Council**¹⁴ stated:

"Images of women and 'entertainment' which demean and degrade women portraying them as sexual objects plays a part in 'normalising' sexual violence and contributes to male abuse of women being acceptable, tolerated, condoned and excused. Such entertainment runs counter to explicit commitments by a range of private, public and voluntary agencies to promoting women's equality."

We call on Cambridge City Council to adopt a nil policy in relation to SEVs for the reasons given above. However, if you do not adopt a nil policy and SEVs are to be granted and/or renewed, we strongly recommend that a comprehensive set of standard conditions are applied to such licenses in order to help protect women in this community.

Philip Kolvin QC, Chairman of the Institute of Licensing, has produced a set of suggested conditions for application to SEV licenses¹⁵. We would like to draw particular attention to the importance of introducing the following conditions:

1. No contact between performers and audience and a minimum of 1 metre separation between performers and audience
2. Performers confined to stage area
3. Prevention of fining performers
4. Zero tolerance policy on customers who break rules of conduct. Contravention warrants a lifetime ban from the premises
5. Prohibition of private booths
6. CCTV coverage of all public areas
7. Controls on exterior advertising and signage
8. Prohibition of advertising in public spaces, including on billboards, telephone booth boards, and leafleting

We also recommend you include the conditions outlined by the Bristol Fawcett Society:

- A register to be kept of all staff working each night and valid proof to be held on the premises of the age of each of the performers

¹³ Both quotes are from an OBJECT leaflet 2008

¹⁴ Glasgow City Council report on the need for review of licensing legislation in the light of concerns re table dancing
<http://www.glasgow.gov.uk/NR/rdonlyres/0D19236F-808A-4467-96F7-6A9508C1F312/0/legtablic2.pdf>

¹⁵ Kolvin, P. (2010) *Sex Licensing*, The Institute of Licensing, p.74

- No fee to be charged by any club to a performer for working in the club
- Police to be kept informed of any assaults that take place on staff, whether or not the victim wishes to press charges
- No 'smoking areas' to be allowed at the front of clubs to minimise the potential for harrassment of women living, working and passing through the area. All smoking areas must be in private areas away from public spaces.
- No advertising allowed in media that is not exclusively aimed at adults – this would exclude local 'family' newspapers for example.

These vital conditions would go some way to protecting women working in lap dancing clubs and women in the wider community.

We further request that you monitor the impact of the 'frequency exemption' which was included within the SEV licensing regime.

As you will be aware, this exemption means that establishments hosting lap dancing less than 12 times in a year do not require an SEV licence or even a temporary event notice. We are extremely concerned about this exemption because you will have no powers to prevent these performances from occurring in Cambridge or place any conditions or controls on them. Yet venues hosting lap dancing less than once a month are less likely to have facilities and procedures in place to protect the safety of performers – such as a separate changing room, CCTV and security. The safety of the performers is thus put at risk by this exemption.

We therefore ask you to attempt to monitor performances that are staged under the frequency exemption and to convey your experiences of this back to the Government.

This is crucial because the power to amend or repeal the frequency exemption was included in the Policing and Crime Act 2009 in recognition of the fact that the frequency exemption could prove problematic for local authorities.

We recommend that the Sexual Establishment Licensing Policy requires members of licensing subcommittees who wish to sit in hearings of relevance to gender (i.e. SEVs; sex establishments and so on) to have completed up to date basic training in gender equality and equality legislation.

We recommend that, in the absence of legal direction to the contrary, the Licensing Committee maintain a register of interested parties in reference to SEVs, sex establishments and so on, who will be informed by the Licensing Committee when applications are received of potential relevance for gender equality. This will ensure that the Council will be seen to fulfil its obligations to operate in a transparent and accountable

manner. (This will not be an onerous obligation as relevant applications are estimated to be around one a year, currently).

While it is true that both men and women have been active in making representations about the negative impact on society of SEVs, it is also true that the majority of those who reflect and take action on the harm of SEVs are women. This could be because the lived experience of sexual objectification, sexual discrimination, sexual harassment and sexual violence in many women's lives plays a part in the extent to which these issues are given serious consideration and weighed against other interests or values in the context of SEV licensing.

Therefore we request and recommend that:

- **The working party of officers and councillors is at least equally gender balanced**
- **The policy should make reference to good practice in SEV applications being heard by sub-committees that are at least equally gender balanced.**

We would very much appreciate receiving written reports of any decisions taken pertaining to the recommendations that we have set out in this document.

Yours sincerely

Norah Al-Ani
Development Officer
Cambridge Rape Crisis Centre

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CAMBRIDGE CITY COUNCIL

SEX ESTABLISHMENT LICENSING POLICY – Draft Policy

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1. The City of Cambridge

1.1 Cambridge is a unique blend of market town, sub-regional centre, national and international tourist attraction and centre of excellence for education and research. It is a city of great beauty and is renowned for the qualities of its streets, spaces and buildings.

1.2 Cambridge City Council, in association with local partnerships wants Cambridge to be vibrant, socially mixed, safe, convenient and enjoyable, where all residents feel integrated into the life of the City and a part of its success.

1.3 Cambridge City Council has a clear vision for the future of the City, a vision shared with Cambridge citizens and partner organisations. Our vision includes:

- An international city which celebrates its diversity and actively tackles discrimination on gender, race, nationality, ethnic background, religion, age, disability, gender identity, and sexual orientation.
- A city in which all citizens feel that they are listened to and have the opportunity to influence public decision making, and which values, supports and responds to individual and community initiatives.
- A city where all citizens and organisations appreciate their duties as well as their rights, where people are free to enjoy themselves but also show consideration for others, and where the community works together to reduce harm and nuisance including by education and, where needed, robust enforcement of the law.

1.4 The overarching objectives of Cambridge City Council in licensing Sex Establishments are to:

- Promote the Authority's visions and values
- Protect the rights and health and safety of the general public, workers, residents, businesses, minority and vulnerable groups and
- Ensure the principles of consistency, transparency, accountability and the promotion of good standards in licensing
- Demonstrate compliance with statutory responsibilities in relation to procedures and enforcement
- Ensure consistent and transparent decision making

2. Introduction

2.1 The Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) does not require the publication of a sex establishment licensing policy, however we recognise the benefits of having such a policy. A sex establishment licensing policy can play a pivotal role in the achievement of the pattern, number and standards of sex establishments within the City.

2.2 This policy provides Cambridge City Council's approach to the regulation of sex establishments as set out in the 1982 Act and gives guidance to the Licensing Authority when considering and making decisions on applications

2.3 Each application will be determined on its individual merits and this policy should not be regarded or interpreted as an indication that any requirement of the relevant law may be overridden.

- 2.4 The Council may depart from this policy if, in the interests of the promotion of the objectives, the individual circumstances of any case merit such a decision. Full reasons will be given for departing from the policy.
- 2.5 The 1982 Act introduced a licensing regime to control Sex Establishments. On 19th October 1989, Cambridge City Council resolved to bring into force from 27th November 1989 Schedule 3 of the Act, which provided for the control of sex establishments (i.e. sex shops and sex cinemas).
- 2.6 Section 27 of the Policing and Crime Act 2009 (the 2009 Act), which came into force on 6th April 2010, amends Schedule 3 to the 1982 Act, providing for the control of a new category of sex establishment called a Sexual Entertainment Venue. The amendment allows councils to regulate lap dancing clubs and similar venues as sex establishments. On 21st October 2010, Cambridge City Council resolved that Schedule 3 to the 1982 Act as amended by section 27 of the 2009 Act should apply to the Cambridge City Council area commencing from 1st December 2010.
- 2.7 In carrying out our licensing functions, we will have regard to the following:
 - 2.7.1 The Local Government (Miscellaneous Provisions) Act 1982
 - 2.7.2 Any supporting regulations
 - 2.7.3 Guidance issued by Central Government
 - 2.7.4 This statement of licensing policy

We must also fulfil our obligations under s17 of the Crime and Disorder Act 1998, to do all that we reasonably can to prevent crime and disorder in Cambridge.

- 2.8 The Policy should be read in conjunction with, and without prejudice to, other existing national and European Union legislation, including the Human Rights Act 1998, the Equality Act 2010, the , The Provision of Services Regulations 2009, and the Regulators' Code 2013 (as set out under the Legislative and Regulatory Reform Act 2006).
- 2.9 The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and victimisation; and to promote equality of opportunity and good relations between persons of different racial groups.
- 2.10 In carrying out our licensing functions we will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate against anyone on the grounds of age, gender, race, sexual orientation, disability, gender reassignment, religion or belief.
- 2.11 We do not take a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is our role as the licensing authority to administer the licensing regime in accordance with the law.

3. Consultation

3.1 In preparing this policy statement we have consulted with the following:

- the Chief Officer of Police for Cambridgeshire
- the Chief Officer of the Cambridgeshire Fire and Rescue Service
- persons/bodies representative of local holders of premises licences
- persons/bodies representative of local holders of club premises certificates
- persons/bodies representative of businesses and residents in the City of Cambridge
- the child protection agency
- other organisations as appear to the Licensing Authority to be affected, including councillors, local community, cultural, educational and entertainment organisations.

3.2 The policy was first adopted in October 2011 and was reviewed and an amended policy was adopted in October 2016 after a public consultation.

4. Sexual Entertainment Venues

A Sexual entertainment venue is defined as

4.1 *'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.'*

4.2 *'Relevant entertainment' is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)".* An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

4.3 In deciding whether entertainment is "relevant entertainment" We will judge each case on its' individual merits, however we would expect that the following forms of entertainment as they are commonly understood will be "relevant entertainment":

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows
- Topless Bars
- Premises where private entertainment booths are present

This list is not exhaustive and as the understanding of the exact nature of these descriptions may vary, should be treated as indicative only. Ultimately, decisions as to whether entertainment is "relevant entertainment" will depend on the content of the entertainment and not the name it is given.

4.4 The following premises are not sexual entertainment venues:

- Sex shops and sex cinemas (which are separately defined in Schedule 3 of the 1982 Act)
- Premises which provide relevant entertainment on an infrequent basis. These are premises where-
 - a) relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours.
- other premises or types of performances or displays exempted by an order of the Secretary of State.

4.5 Premises providing relevant entertainment on an infrequent basis will continue to be regulated under the Licensing Act 2003 (the Licensing Act).

4.6 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether express or implied.

5. Sex shops and sex cinemas

5.1 Sex Establishment Licences are required for “sex cinemas” and “sex shops”. A “Sex shop” is defined as any premises, vehicle, vessel or stall that is used for a business which consists to a “significant degree” of selling, hiring, exchanging, lending, displaying or demonstrating :

5.1.1 sex articles; or

5.1.2 other things intended for use in connection with, or for the purpose of stimulating or encouraging-

i) sexual activity

ii) acts of force or restraint which are associated with sexual activity

5.2 The phrase “sex articles” is defined in the 1982 Act, but the phrase “a significant degree” is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- the ratio of sex articles to other aspects of the business
- the absolute quantity of sales
- the character of the remainder of the business
- the nature of the displays in the business
- turnover
- other factors which appear to be materially relevant

5.3 A “sex cinema” is defined as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

5.3.1 are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage-

i) sexual activity,

ii) acts of force or restraint which are associated with sexual activity; or

5.3.2 are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions

But does not include a dwelling house to which the public is not admitted.

5.4 A sex shop licence is needed by any premises, vehicle, vessel or stall that stocks and sells R18 films.

6. Requirement for a Licence

6.1. Any person wishing to operate a sex establishment as defined by Schedule 3 to the 1982 Act requires a sex establishment licence, unless we have waived the requirement for a licence.

6.2 We will normally grant a licence for a period of one year, but we may exercise our discretion to issue a licence for a shorter period if we consider this to be appropriate.

7. Waiver

7.1 We may, upon application, waive the requirement for a licence in any case where we consider that to require a licence would be unreasonable or inappropriate.

7.2 Waivers may be granted to;

- Book shops, including shops where sale of DVD's and CD's are present
- Sexual Health Clinics
- Cases where we consider that the requirement for a licence is borderline, where events are minor or temporary, or where clarity or regularisation is required.
- Educational Establishments as part of a recognised educational curriculum

7.3 We will consider each application for a waiver on its individual merits; however, any establishment that would normally require a licence under the provisions of the 1982 Act is unlikely to be granted a waiver other than in exceptional circumstances.

7.4 In order for a waiver to be considered, an applicant must provide the basic information included in the application form, and any other information that we may reasonably require in order to make our decision.

7.5 A waiver may be for such period as the Licensing Authority thinks fit. Where we grant an application for a waiver, we will give notice to the applicant stating the application has been granted. We may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate, on a date not less than 28 days from the date on which we give the notice, or as may be specified in the notice.

8. The Licensing Act 2003

- 8.1 Premises holding a sexual entertainment licence will not require a premises licence under the Licensing Act 2003 unless the premises is carrying on other licensable activities e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment.
- 8.2 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act.
- 8.3 Premises which fall under the exemption created for infrequent entertainment do not require a sexual entertainment licence, but will instead need an appropriate authorisation under the Licensing Act, for example to cover the performance of dance. An exemption for live music or the playing of recorded music, which is integral to the entertainment, does not apply to such venues.

9. Location of Licensed Premises

- 9.1 We have not imposed a limit on the number of premises that may be licensed in any area of the City, however, whilst deciding each application upon its own merits we will not normally licence premises that are in close proximity to:
 - 9.1.1 a residential area
 - 9.1.2 a school, nursery or any other premises substantially used by or for children under 16 years of age;
 - 9.1.3 a park or other recreational areas used by or for children under 16 years of age;
 - 9.1.4 a church or other place of religious worship;
- 9.2 In addition, we will consider public safety issues when determining whether an area is appropriate; for example, areas that attract a high percentage of female, elderly or young users may be considered to be inappropriate. Where we receive an application, which we consider to be within close proximity to those areas or premises identified in paragraph 9.1, the application will not be automatically refused. Applications presenting genuinely exceptional circumstances may be granted.
- 9.3 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.
- 9.4 We would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

10. Commenting on licence applications

- 10.1 Any person or organization can object to an application for a sex establishment licence.
The Police are a statutory consultee for all applications.
- 10.2 We can only consider objections that are relevant to the statutory grounds for

refusal set out in the 1982 Act and are received within the 28-day period for making objections. The objector must provide full reasons for their objection and, where possible, demonstrate how their reasons are relevant to the mandatory and discretionary grounds for refusal (if any).

10.3 We will notify applicants of any observations made by the Chief Officer of Police and provide details in general terms of objections that we have received within the 28-day period. We will not without the consent of the person making the objection reveal his/her name or address to the applicant.

10.4 Where no relevant objections are made, or objections are withdrawn, officers will grant the licence under the scheme of delegated powers.

10.5 Licensing Sub-Committee will consider all applications where there are relevant objections. We will give both applicants and objectors an equal opportunity to state their case in accordance with our hearings procedure.

10.6 No weight will be given to objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Officers will make decisions on whether objections are frivolous or vexatious and where objections are rejected the objector will be given a written reason.

11. Determining Applications

11.1 In considering any application for the grant, renewal or transfer of a licence we will have regard to any observations submitted by the Chief Officer of Police and any relevant objections that we have received within the 28-day period.

11.2 Where we refuse to grant, renew or transfer a licence, we will send notice of the reasons for our decision to the applicant within seven days.

11.3 An applicant must be a suitable person to hold a licence. In determining suitability for a new licence, or a transfer of an existing one, we will consider all relevant information including the following:

- Previous relevant knowledge and experience of the applicant;
- The operation of any existing or previous licence(s) held by the applicant, including any licence held in any other area.
- Any report about the applicant and management of the premises received from statutory objectors.

12. Terms, conditions and restrictions

12.1 The Council may impose terms, conditions and restrictions on the grant of a licence.

Where imposed, these will be necessary, non-discriminatory and proportionate.

12.2 We have model conditions relating to sex establishments and sexual entertainment venues. The conditions which may be attached to a licence are set out in Appendices A and B to this policy.

12.3 We will consider all applications on an individual basis and may impose additional or alternative conditions tailored to individual premises.

13. Grounds for refusal

The 1982 Act sets out mandatory and discretionary grounds for refusal of a licence.

13.1 We will not grant a licence;

- a) to a person under the age of 18; or
- b) to a person who is for the time being disqualified under paragraph 17 (3) of Schedule 3 to the 1982 Act; or
- c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- d) to a body corporate which is not incorporated in an EEA state; or
- e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

13.2 We may refuse:

grounds listed in a) – d) below:

- ii) an application for the transfer of a licence on either or both of the grounds specified in paragraphs a) and b) below:

The grounds are:

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application determined is equal to or exceeds the number which the Licensing Authority consider is appropriate for that locality. Nil may be the appropriate number.
- d) that the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality, or to the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

13.3 The 'relevant locality' means: in relation to premises, the locality where they are situated; and in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

13.4 We have not made a decision to determine the number of sex establishment premises appropriate for the City of Cambridge however this may be subject to review.

13.5 We may refuse applications for a sex establishment licence where we are not satisfied that the application has been advertised in accordance with the requirements of the 1982 Act.

13.6 We may refuse to accept an application where we consider that relevant information has been omitted or an application is incomplete.

14. Hearing

- 14.1 Where relevant objections have been made we will give applicants the opportunity of appearing before the Licensing Sub-Committee.
- 14.2 We will advise the applicant and objectors of the date, time and venue of the hearing.
- 14.3 A copy of the committee report will be published on our website at least 5 days prior to the hearing. The report will contain a summary of the application, objections and any other relevant information.
- 14.4 The hearing will be conducted in accordance with our hearings procedure.
- 14.5 The Licensing Sub-Committee will communicate their decision at the end of the hearing and **the applicant and the objectors** will receive written confirmation of the decision within seven days.
- 14.6 Whilst the Act does not stipulate a timescale for hearing applications, where objections have been submitted and accepted, we aim to determine an application within 20 working days from the close of the 28-day period for receiving objections.
- 14.7 **Applicants have a right of appeal to a Magistrates Court as per Section 27 of Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982.**

15. Enforcement

- 15.1 We will establish protocols with the police and any other relevant enforcement body on enforcement issues. These protocols will target agreed problems and high-risk premises, which require greater attention, while providing a lighter touch approach in respect of low risk premises that are well run.
- 15.2 In general, action will only be undertaken in accordance with the Council's enforcement policy, as adopted at the time, which reflects the Council's obligations relating to enforcement and is consistent with the Regulators Code. To this end, the key principles of consistency, openness, proportionality, clear standards and practices, courtesy and helpfulness and training will be maintained.
- 15.3 Cambridge City Council's enforcement policy is available on our website: <http://www.cambridge.gov.uk/enforcement-policy>

16. Amendments to Policy

- 16.1 Any significant future amendment to this policy will only be implemented after further consultation.

For the purpose of this section, any significant amendment is defined as one that:

- (a) is likely to have a significant financial effect on the licence holders, or

(b) is likely to have a significant procedural effect on the licence holders, or
(c) is likely to have a significant effect on the community.

16.2 Any minor amendments to this Policy may be authorised by the Licensing Committee.

16.3 We retain the right to review the policy as deemed necessary, or as required due to legislative changes and Government guidance.

17. Integration with Council Strategies and the avoidance of duplication

17.1 By consultation and liaison, we will secure the proper integration of this policy with local crime prevention, planning, transport, tourism, race equality and equal opportunity schemes, cultural strategies and any other plans introduced for the management of the City and the night-time economy.

17.2 So far as is possible, the policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators.

17.3 It is likely that certain aspects of the activities of a sex establishment will be licensed under the Licensing Act 2003 e.g. a bar in a lap-dancing club. We will not normally attach conditions to a sex establishment licence, which can just as well be attached to a premises licence under the 2003 Act.

18. Exchange of information

18.1 We may from time to time exercise our powers under section 115 of the Crime & Disorder Act 1998 to exchange data and information with the police and other partners to fulfil our statutory objective of reducing crime in the area.

18.2 Details of applications and objections which are referred to a Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

19. Administration, exercise and delegation of functions

19.1 The functions of the Licensing Authority under the 1982 Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

19.2 Many of the decisions and functions will be largely administrative in nature. In the interests of speed, efficiency and cost-effectiveness these will, for the most part, be delegated to officers.

20. Fees

20.1 Fees are set each year. Details are available from the licensing team and on our website <http://www.cambridge.gov.uk/sex-establishments>
We charge a separate fee for applying/ varying/ transferring a licence and renewing a licence.

21. Effective Date and Review

21.1 This policy statement will take effect from October 2016.

21.2 The policy statement will be kept under review and will be subject to further review and consultation.

22. Contact details, advice and guidance

22.1 Applicants can obtain further details about sex establishment licensing application processes, including application forms and fees from:

website: www.cambridge.gov.uk

e-mail: licensing@cambridge.gov.uk

telephone: 01223 457879

fax: 01223 457909

Cambridge City Council, PO Box 700,
Cambridge, CB1 0JH

in person: Customer Service Centre, Mandela House, 4, Regent
Street, Cambridge, CB2 1BY (Monday to Friday 08:00-
18:00)

Electronic applications can also be made online via the GOV.UK
website:

[www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/cambridge/
apply-1](http://www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/cambridge/apply-1)

22.2 This policy can be made available in large print on request and similarly translations can be made available in a variety of languages. Please contact us for further help or assistance.

22.3 Informal discussion is encouraged prior to the application process in order to resolve any potential problems and avoid unnecessary hearings and appeals.

Cambridge City Council Equality Impact Assessment



Completing an Equality Impact Assessment will help you to think about what impact your strategy, policy, plan, project, contract or major change to your service may have on people that live in, work in or visit Cambridge, as well as on City Council staff.

The template is easy to use. You do not need to have specialist equalities knowledge to complete it. It asks you to make judgements based on evidence and experience. There are guidance notes on the intranet to help you. You can also get advice from Suzanne Goff, Strategy Officer on 01223 457174 or email suzanne.goff@cambridge.gov.uk or from any member of the Joint Equalities Group.

1. Title of strategy, policy, plan, project, contract or major change to your service:

Sex Establishment Licensing Policy

2. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

To enable the council to exercise its functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to Sex Establishments.
The legislation gives local authorities in England and Wales the power to regulate sex shops, sex cinemas and sexual entertainment venues and gives greater scope and discretion as to how these venues are controlled within their areas.

3. Who will be affected by this strategy, policy, plan, project, contract or major change to your service? (Please tick those that apply)

- ✓ Residents
- ✓ Visitors
- ✓ Staff

A specific client group or groups (please state):

4. What type of strategy, policy, plan, project, contract or major change to your service is this? (Please tick)

- New
- Revised
- ✓ Existing

5. Responsible directorate and service

Directorate: Environmental Services

Service: Environmental Health

6. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service?

No

✓ Yes (please give details):

The review of the policy has been sent to responsible authorities, those directly affected by the policy and has been open to a public consultation. All responses received have been considered when reviewing the policy.

7. Potential impact

Please list and explain how this strategy, policy, plan, project, contract or major change to your service could **positively** or **negatively** affect individuals from the following equalities groups.

When answering this question, please think about:

- The results of relevant consultation that you or others have completed (for example with residents, people that work in or visit Cambridge, service users, staff or partner organisations).
- Complaints information.
- Performance information.
- Information about people using your service (for example whether people from certain equalities groups use the service more or less than others).
- Inspection results.
- Comparisons with other organisations.
- The implementation of your piece of work (don't just assess what you think the impact will be after you have completed your work, but also think about what steps you might have to take to make sure that the implementation of your work does not negatively impact on people from a particular equality group).
- The relevant premises involved.
- Your communications.
- National research (local information is not always available, particularly for some equalities groups, so use national research to provide evidence for your conclusions).

(a) Age (any group of people of a particular age, including younger and older people – in particular, please consider any safeguarding issues for children and vulnerable adults)

Persons under 18 are excluded from attending such venues and the legislation prohibits anyone under 18 holding a licence.
Protection of the young, elderly and vulnerable by identifying the key locations that may not be suitable for a sex establishment licensing.

(b) Disability (including people with a physical impairment, sensory impairment, learning disability, mental health problem or other condition which has an impact on their daily life)

Offer support to licence applicants, licence holder and potential objectors who may need assistance with access to documentation/guidance etc.

(c) Gender

The policy minimises the impact of any gender discrimination and licence conditions will be imposed as appropriate.
Any objections to a licence application will be carefully considered to ensure that they are not submitted solely on the grounds of personal prejudice.

(d) Pregnancy and maternity

The policy minimises the impact of any gender discrimination and licence conditions will be imposed as appropriate.
Any objections to a licence application will be carefully considered to ensure that they are not submitted solely on the grounds of personal prejudice.

(e) Transgender (including gender re-assignment)

Any objections to the licence application will be carefully considered to ensure that they are not submitted solely on the grounds of personal prejudice.

(f) Marriage and Civil Partnership

Insufficient evidence

(g) Race or Ethnicity

Offer support to licence applicants, licence holder and potential objectors who may need assistance with documentation/guidance due to language barriers.

(h) Religion or Belief

The location of the premises where there may be places of public and religious meetings or services will be taken into account in determining any application.
Any objections to the licence application will be carefully considered to ensure that they are not submitted solely on the grounds of personal prejudice.

(i) Sexual Orientation

Any objections to the licence application will be carefully considered to ensure that they are not submitted solely on the grounds of personal prejudice.

(j) Other factors that may lead to inequality – in particular – please consider the impact of any changes on low income groups or those experiencing the impacts of poverty (please state):

8. If you have any additional comments please add them here

Allowing Council's to have their own Policy on licensing Sex Establishment Venues is considered a crucial move in terms of challenging the mainstreaming of venues, which market women as sexual commodities and perpetrate harmful gender stereotypes. Prior to the implementation of the legislation there was limited protection for women working in sex establishment venues and a failure to address the safety of women living near such venues.
The legislation allows for better scrutiny and control of working practices through the licences granted and a wider range of residents being able to have their say.
There is also an improvement in standards of employment practice and working conditions for dancers.

9. Conclusions and Next Steps

- If you have not identified any negative impacts, please sign off this form.
- If you have identified potential negative actions, you must complete the action plan at the end of this document to set out how you propose to mitigate the impact. If you do not feel that the potential negative impact can be mitigated, you must complete question 8 to explain why that is the case.
- If there is insufficient evidence to say whether or not there is likely to be a negative impact, please complete the action plan setting out what additional information you need to gather to complete the assessment.

All completed Equality Impact Assessments must be emailed to Suzanne Goff, Strategy Officer, who will arrange for it to be published on the City Council's website.
Email suzanne.goff@cambridge.gov.uk

10. Sign off

Name and job title of assessment lead officer: Yvonne O'Donnell – Environmental Health Manager

Names and job titles of other assessment team members and people consulted:

Date of completion: 03/10/16

Date of next review of the assessment: October 2021

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CAMBRIDGE CITY COUNCIL

REPORT OF: Yvonne O'Donnell
Environmental Health Manager

TO: Licensing Committee 17th October 2016

WARDS: All

DELEGATED OFFICER DECISION MAKING IN RESPECT OF THE TAXI POLICY AND UPDATE OF COUNCIL CONSTITUTION

1 INTRODUCTION

- 1.1 Cambridge City Council as the Licensing Authority for the relevant area holds the responsibility for licensing Hackney Carriage, Private Hire and Dual Drivers along with Vehicle Proprietors and Private Hire Operators within the City. The Council's Hackney Carriage and Private Hire Licensing Policy (Appendix A) applies to all drivers, vehicles and operators.
- 1.2 The policy and decision making process contained within the Policy is to ensure that both the trade and the public have a document that fully explains the licensing procedures to all parties in a clear and transparent manner. As part of the Policy there are a number of enforcement aspects connected to the operational delivery of the service to the public. This includes the Enforcement Management System, Grounds for Disbarment and other enforceable guidance such as the age of vehicles, driver medical examination requirements, and vehicle standards.
- 1.3 The Council seeks to carry out its licensing functions with a view to promoting the following objectives:
 - i) The safety and protection of the public;
 - ii) Vehicle safety, comfort and access;
 - iii) The prevention of crime and disorder;
 - iv) The promotion of environmental sustainability;
 - v) Protection of children and adults at risk from harm

- 1.4 Cambridge City Council and its Officers must administer the licensing function of the Council within the terms of the Policy, which has been fully considered and approved by the Council's Members.
- 1.5 As part of the Council's Constitution (Part 3) pages 92 & 93 (Appendix B) the section of Executive and Regulatory Functions provides powers delegated by the Executive and Licensing Committee to the Strategic Director in respect of Hackney Carriage and Private Hire vehicles.
- 1.6 The Constitution is to set out the rules that govern how the Council works and contains the rules setting out the processes by which decisions are made and also states who is responsible for making decisions. This in turn enables operational delivery and enforcement of the Hackney Carriage and Private Hire Licensing Policy and promptly addresses any breaches of policy on the grounds of public safety.
- 1.7 The current model of dealing with all enforcement issues or breaches of policy in relation to Hackney Carriages or Private Hire drivers, vehicles or operators is to refer the issue to the Licensing Sub-Committee. The Licensing Sub-Committee in effect makes the decision of The Council as the Licensing Authority. The full Licensing Committee determines the Hackney Carriage and Private Hire Licensing Policy at five year intervals. The next scheduled review takes place in October 2016. The Hackney Carriage and Private Hire Licensing Policy clearly sets out the requirements and standards expected of licensed drivers, vehicles and operators.
- 1.8 The only exception to this is if an urgent decision is required in the interest of public safety where the Head of Environmental Services, in Consultation with the Environmental Health Manager and Chair of Licensing can suspend or revoke a licence with immediate effect.
- 1.9 Further to the Licensing Sub-Committee or Head of Environmental Services decision making process there is always the statutory provision that a driver or vehicle proprietor has the right of appeal to the Magistrates Court following a decision of the Licensing Sub-Committee or Head of Environmental Services for urgent matters which they do not agree with.
- 1.10 It is proposed to delegate officer decision making to the Head of Environmental Services for matters where Policy has been breached or not met. It is proposed that when there is a breach of the Enforcement Management System this will be referred to the Licensing Sub-Committee for any decision to be made by Members with a right of appeal to the Magistrates Court (Appendix C).

- 1.11 The delegated officer decision making will be in respect of tactical and operational policy delivery where Members have already agreed the policy as part of the 5 yearly review. For example if a driver fails to meet the required medical standards, or if the vehicle exceeds the permitted age. Such decisions will be made by the Head of Environmental Services in consultation with the Environmental Health Manager. This decision will still be a decision of The Council. The right of appeal is safeguarded because there is always a statutory right of appeal to the Magistrates Court.
- 1.12 Once the Licensing Authority has made their decision, either by the Delegated Officer or Licensing Sub Committee, any right of appeal would be directly to the Magistrate's Court within 21 days from the date of the decision being communicated to the individual.
- 1.13 The benefits of adopting this approach include:
- A reduction in the volume of administration and resources required by Legal Services, Committee Services and the Licensing & Enforcement Team to deliver Sub-Committee hearings;
 - There would be a lower frequency of Sub Committee hearings that need to take place;
 - Decision making, necessary for the protection of public safety, would be able to be made more promptly;
 - It would increase the amount of time Licensing & Enforcement Officers have to investigate other more serious and complex issues and allow for a greater amount of time to be assigned to proactive licensing and enforcement issues without negating any of the individual's right of appeal.
- 1.14 Adoption of this policy would also align Cambridge City Council to the same process, which South Cambridgeshire District Council Licensing Committee use, to address 'low-level' policy matters.
- 1.15 In order for a delegated decision to be made, the Licensing and Enforcement Officer will collate and submit a report with the necessary information and evidence, to the Environmental Health Manager for consideration. The report will include details and information such as that of a Licensing Sub-Committee report so that it is clear and transparent how a delegated decision has been reached. Within this there will be details of the right of appeal for the licence holder.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 Members approve the delegated decision making process in the Hackney Carriage and Private Hire Licensing Policy as outlined in the table below.

Current	Proposed
<p>The Council has delegated the following powers to the Head of Service:</p> <p>i) Hackney Carriages, private hire vehicles and trishaws except: the suspension of a driver's or a vehicle licence, unless the driver or proprietor of the vehicle, as appropriate, is informed of the right to appeal to the Licensing Sub-Committee within 14 days and in the event of such an appeal, the matter shall be heard within 7 days of receipt of the appeal.</p> <p>The Council has delegated to the Licensing Committee, who subsequently delegated to the Licensing Sub-Committee, the following powers relating to the licensing of Hackney Carriages and Private Hire Vehicles, the drivers of Hackney Carriages and Private Hire Vehicles, and the Operators of Private Hire Vehicles:</p> <ul style="list-style-type: none"> i) To grant an application for a Licence ii) To attach conditions to a Licence iii) To refuse an application for the grant of a Licence iv) To refuse to renew an existing Licence iv) To suspend a Licence v) To revoke a Licence 	<p>The Council has delegated its Licensing function to the Licensing Committee and further delegated authority to the Licensing Sub Committee and to Officers of the Council who will determine applications and licensing decisions in accordance with the Policy.</p> <p>Any decision to refuse to grant, refuse to renew or suspend an application or any decision relating to the policy will be determined by Officers through the scheme of delegation. The applicant will have the right of appeal to the Magistrates Court.</p> <p>All decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub Committee with a right of appeal to the Magistrates Court.</p>

- 2.2 Subject to 2.1 above Members recommend to amend the constitution as outlined in the table below:

Current	Proposed Amendment
<p>The Council has delegated the following powers to the Head of Service:</p> <p>i) Hackney Carriages, private hire vehicles and trishaws except: the suspension of a driver's or a vehicle licence, unless the driver or proprietor of the vehicle, as appropriate, is informed of the right to appeal to the Licensing Sub-Committee within 14 days and in the event of such an appeal, the matter shall be heard within 7 days of receipt of the appeal.</p>	<p>The Council has delegated the following powers to the Head of Service:</p> <p>i) Hackney Carriages, private hire vehicles and trishaws</p> <p>Except for all decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub Committee with a right of appeal to the Magistrates Court.</p>

3. BACKGROUND

- 3.1 The Head of Environmental Services and the Environmental Health Manager review and determine a number of urgent matters which breach policy requirements and are empowered to make the appropriate decision on behalf of the Council. As a matter of good practice, the Chair of the Licensing Committee is notified of the decision. It is proposed that the Chair will continue to be notified under the proposed arrangement.
- 3.2 If this Licensing Committee agrees and subsequently adopt all parts of the amended Hackney Carriage and Private Hire Licensing Policy, officers involved in delegated decision making in any situation will be in line with the operational delivery of this policy approach.

4. CONSULTATION

- 4.1 A consultation on the Hackney Carriage and Private Hire Licensing Policy was undertaken from 19th July to 22nd August 2016 which has the delegated decision making proposal outlined.
- 4.2 Feedback was widely encouraged and all comments were considered as part of the review and in preparation of the final policy document.
- 4.3 A total of 10 comments were received in relation to the Hackney Carriage and Private Hire Licensing Policy. There were no comments relating to the delegated decision making process which can be found at Appendix D. The results of the consultation exercise are in order for Members to take account of the feedback from the trade and other stakeholders to be able to consider any amendments to the Hackney Carriage and Private Hire Licensing Policy.

5. CONCLUSIONS

- 5.1 The Licensing Committee and the Licensing & Enforcement Manager have a responsibility to ensure that the policies and procedures which are in place are robust enough to ensure that only fit and proper persons hold a licence and that the Council supports the licensed Hackney Carriage and Private Hire trade in protecting the public.
- 5.2 The Hackney Carriage and Private Hire Licensing Policy is designed to put the Council's licensing requirements into practice and in order to deliver a transparent, accountable and efficient licensing service.

6. IMPLICATIONS

(a) **Financial Implications**

Provision is made in the council's budget for the taxi licensing service, which is run on cost recovery basis.

(b) **Staffing Implications**

There will be a requirement for an increased level of decision making at Head of Service and Manager level. This may also require increase consultation with Legal services.

(c) **Equal Opportunities Implications**

An Equality Impact Assessment has been undertaken as part of the Hackney Carriage and Private Hire Licensing Policy review which includes the impact of this change in relation to delegated decision making,

(d) **Environmental Implications**

Nil

(e) **Procurement**

Nil.

(f) **Consultation and communication**

There has been a formal consultation on the Hackney Carriage and Private Hire Licensing Policy with the trade and other key stakeholders.

(g) **Community Safety**

Cambridge City Council has a duty to provide a safe and secure Hackney Carriage and Private Hire service. The failure of the Council to

review, consult and publish the Hackney Carriage and Private Hire Licensing Policy on a regular basis, may result in a Judicial review being brought against the Council.

APPENDICES

Appendix A: Proposed Hackney Carriage and Private Hire Licensing Policy

Appendix B: Executive and Regulatory Functions Delegations Page 92/93

Appendix C: Enforcement Management System

Appendix D: Consultation Responses

BACKGROUND PAPERS:

None.

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Cambridge City Council

Hackney Carriage and Private Hire Licensing Policy

October 2016

Hackney Carriage and Private Hire Licensing Policy

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PART 1

INTRODUCTION

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1.0 SUMMARY

- 1.1 This document sets out Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy on the licensing of Hackney Carriage and Private Hire Drivers and Vehicles together with all Private Hire Operators. This document also sets out the legislative framework administered by the Licensing Authority in respect of such licences, however this Policy is not a comprehensive statement of the law.
- 1.2 This Hackney Carriage and Private Hire Vehicle Licensing Policy must reflect the clear vision of the Council to lead a united city, 'One Cambridge – Fair For All', in which economic dynamism and prosperity are combined with social justice and equality. It is a vision that the Council will share and develop, working with its citizens and partner organisations.
- 1.3 Hackney Carriage and Private Hire Vehicles play a vital and integral part in an integrated public transport system and the importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Cambridge's local economy is recognized; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Policy.
- 1.4 This Hackney Carriage and Private Hire Licensing policy is intended to put the Council's licensing requirements into context for all parties in a clear and transparent manner.

2.0 AIMS AND OBJECTIVES

- 2.1 In setting out this policy, the Licensing Authority seeks to carry out its licensing functions with a view to promoting the following objectives:
 - i) The safety and protection of the public;
 - ii) Vehicle safety, comfort and access;
 - iii) The prevention of crime and disorder;
 - iv) The promotion of environmental sustainability
 - v) Protection of children and adults at risk from harm
- 2.2 The aim of the Policy is primarily to protect the public as well as to ensure that the public have reasonable access to services. The Licensing Authority shall seek to use its licensing powers to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.
- 2.3 As a guide, in the promotion of the above objectives, the Licensing Authority will consider the following matters:

Safety and protection of the public:

- Consideration of history of convictions and cautions
- Driver conduct and performance
- Knowledge of Cambridge City
- Health and fitness to fulfil the role of a licensed driver
- Vehicle specifications

Vehicle safety, comfort and access:

- Standards of vehicle comfort and appearance

- Location and use of ranks
- Accessibility of facilities
- Number of vehicles available
- Livery

The prevention of crime and disorder:

- Commitment to work with the Police and other relevant agencies
- Planned and unplanned enforcement programme to ensure compliance
- Operating rules, conditions, byelaws and fit and proper processes
- Support with local businesses for the dispersal of customers from licensed premises

The promotion of environmental sustainability:

- To investigate alternative technology, hybrid and electric vehicles
- To only permit licenses for vehicles that comply with the particular age requirements set out in this policy
- To work with stakeholders and the trade to support the Air Quality Action Plan

The protection of children and adults at risk from harm:

- Safeguarding requirements as set down in this policy
- Co-operation with other agencies to protect children and adults at risk
- Training to cover awareness of Safeguarding
- A robust reporting mechanism for Safeguarding issues
- Determination of fit and proper persons

2.4 The Policy recognises that the licensing function is only one means of securing the delivery of the above objectives. The Licensing Authority will therefore continue to work in partnership with the trade, its neighbouring authorities, the Police, other enforcement agencies, local businesses and local people towards the promotion of the licensing objectives.

2.5 Each application or enforcement measure shall be considered on its own merits, using the policy as a main guideline. Where, and if, it is necessary for the Licensing Authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.

2.6 This Policy refers to guidance that is available to applicants, drivers and operators to assist them with processes. This guidance is known as the Hackney Carriage and Private Hire Licensing Handbook.

3.0 POWERS AND DUTIES

3.1 This statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended) which place duties on the Council to carry out its licensing function.

3.2 This document sets out the policy that the Licensing Authority will apply when making decisions about new applications and licences currently in force.

3.3 In undertaking its licensing function, the Licensing Authority will also have regard to

other relevant legislation including:

- i) Transport Act 1985 and other associated Road Traffic Acts
- ii) Road Vehicles (Constructions and Use) Regulations 1986.
- iii) Crime and Disorder Act 1998
- iv) Environmental Protection Act 1990
- v) Equality Act 2010
- vi) Health Act 2006 and Smoke-free Regulations 2006/7
- vii) Legislative and Regulatory Reform Act 2006
- viii) Road Safety Act 2006
- x) Human Rights Act 1998

4.0 BEST PRACTICE GUIDANCE

4.1 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. In formulating this policy, advice contained in the "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010" has been taken into account in order to develop this policy.

There is recognition within the Guidance that licensing requirements which are unduly stringent and demonstrate a too restrictive approach may be detrimental to the public interest and could have adverse safety implications.

4.2 Local circumstances and requirements have been taken into account in this policy and the DfT itself recognizes that individual Councils are best placed to "*decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes*"

5.0 STATUS

5.1 In exercising its discretion in carrying out its regulatory functions, the Authority shall have regard to this policy document and the objectives set out above.

5.2 Notwithstanding the existence of this policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.

5.3 Nothing in this policy will prevent an applicant or licence holder from requesting that the Licensing Authority considers the individual merits of their case and give reasonable consideration to departing from its policy. Such request may be made to, or before, the Licensing Sub-Committee or Council Officers as deemed appropriate in the circumstances of the case.

5.4 This policy will provide the Licensing Authority and Council Officers who are required to administer the licensing function with appropriate guidelines within which to act.

5.5 Where applications do not meet the requirements of the policy the Environmental Health Manager has the delegated authority to refuse to grant a licence, refuse to renew a licence or to revoke or suspend an existing licence.

5.6 The policy shall be kept under review and revised as appropriate and, in any event, not less than five years from the date of its last adoption.

5.7 The policy does not override the legal requirements embodied in any legislation in

force at the time of adoption or as may be enacted after the adoption of this policy.

6.0 THE LICENSING REGIME

6.1 Some activities are considered to be of such risk to the safety of members of the public that the law requires an approval to be in place, in the form of a licence, to regulate that activity. This is the case with the Hackney Carriage and Private Hire trade who make themselves available for hire to transport members of the public to their chosen destination in return for reward.

6.2 The legislation creates three types of licence:

- i) Vehicles (Hackney Carriage & Private Hire)
- ii) Drivers (Hackney Carriage, Private Hire & Dual Licences)
- iii) Operators (Private Hire only)

6.3 A journey not carried out in accordance with the correct licences is not only illegal; it is likely to invalidate the insurance held by the driver, vehicle proprietor and operator and could have serious consequences should an accident occur.

7.0 IMPLEMENTATION

7.1 This policy shall take effect from 17th October 2016 and will override and supersede all existing Council policy and guidance in relation to Hackney Carriage and Private Hire Licensing. The Authority expects all licence holders to comply with its terms immediately, but it is acknowledged that certain provisions may place financial obligations on existing licence holders and accordingly the Authority is prepared to permit a transitional period, during which time necessary changes must be made.

7.2 The policy will remain effective for a maximum period of 5 years but the Authority will keep the policy under review and will consult where appropriate on proposed revisions, to reflect changes in case law and legislation. The Licensing Committee may make any amendments to the policy.

7.3 References are made in this policy to the "Hackney Carriage & Private Hire Handbook". This is an operational guide that outlines the processes associated with the administration and enforcement of the Licences and is subject to amendment by the Environmental Health Manager.

8.0 PRINCIPLES, PROCESS, DELEGATION AND DECISIONS

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

8.2 The Council has delegated its Licensing function to the Council's Licensing Committee and further delegated authority to the Licensing Sub-Committee and to Officers of the Council who will determine applications and licensing decisions in accordance with this Policy.

- 8.3 Whilst officers and the relevant committees/ panel will, in the majority of cases, follow the Policy, there may be specific circumstances that require a departure from the Policy. In such circumstances, the reasons for departing from the Policy will be made clear.
- 8.4 The Licensing Sub-Committee is made up of a selection of Members from the Licensing Committee. Three Members will sit on hearings to deal with new applications, renewals and reviews of licences that are referred directly by officers. Members, when determining applications for a licence, renewals or reviews of a licence, will have regard to Hackney Carriage and Private Hire legislation, this Policy and any other relevant legislation, legal case law and other relevant Council policies.
- 8.5 The Licensing Authority has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions.
- 8.6 Any decision to refuse to grant, refuse to renew or suspend an application or any decision relating to this Policy will be determined by Officers through the scheme of delegation. The applicant will have a right of appeal to the Magistrates Court.
- 8.7 All decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub-Committee with a right of appeal to the Magistrates Court.
- 8.8 Following the determination of an application by the Licensing Authority, the applicant will receive a copy of the decision in writing. The written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.
- 8.9 Parties aggrieved by a decision of the Licensing Authority have a right of appeal. This must be lodged with the relevant Court in accordance with the relevant statutory provisions.

9.0 FEES

- 9.1 There is a statutory power for the Licensing Authority to charge fees associated with the Hackney and Private Hire licensing regime. The fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing Hackney Carriage stands and administering the regulation of and enforcement work in relation to the Hackney Carriages and Private Hire trades.
- 9.2 The appropriate fee should accompany any application or renewal made.
- 9.3 Licences surrendered prior to their expiry, or licenses that are suspended or revoked shall not be eligible for a refund.

10.0 LICENSING PROFILE

- 10.1 A Hackney Carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public.
- 10.2 Private Hire Vehicles must have no more than 8 passenger seats and must be booked in advance by customers through an operator and may not ply for hire in

the street.

- 10.3 Vehicles that are required by an applicant to carry more than 8 passengers for hire and reward fall outside the legislation governing Hackney Carriages and Private Hire vehicles and require a public service vehicle licence. The Licensing Authority has no involvement in the licensing of these vehicles.

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PART 2
VEHICLES

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11.0 LIMITATION OF VEHICLE NUMBERS

- 11.1 The current legal provision on quantity restrictions for Hackney Carriages is set out in section 16 of the Transport Act 1985. This provides that the grant of a Hackney Carriage Licence may be refused, for the purpose of licensed Hackney Carriages “if, but only if, the local authority is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet”
- 11.2 The Licensing Authority has undertaken a demand survey which concluded that there is no significant demand for Hackney Carriages that is unmet. Therefore, it has applied a limit of Hackney Carriage Vehicles as of 26th January 2015 for a period of three years.
- 11.3 Any limit imposed by the Licensing Authority will be subject to the requirements of Part 12 of the Equality Act 2010 and any associated Regulations such that the proportion of the taxi fleet that is accessible to a disabled person complies with any requirement that may be set by Regulations.
- 11.4 There are no powers for licensing authorities to limit the number of Private Hire Vehicles.

12.0 DEFINITIONS, SPECIFICATIONS AND CONDITIONS

- 12.1 The main difference between Hackney Carriages and Private Hire vehicles is that Hackney Carriages can be hailed in a public street or hired from a taxi rank.
- 12.2 Private Hire vehicles must be pre-booked in advance through a licensed Private Hire Operator and are not permitted to wait on a rank or be booked directly from a public street.
- 12.3 Should a Private Hire vehicle driver accept a fare which has not been pre-booked through an Operator, he is committing an offence and, if caught, will be subject to relevant enforcement action by the Licensing Authority.
- 12.4 Anyone being conveyed in a Private Hire vehicle which has not been pre-booked will not be covered by the drivers insurance.
- 12.5 Local Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as Hackney Carriage or Private Hire Vehicles.
- 12.6 Government guidance suggests that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Licensing Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice that can be shown to meet basic criteria. In that way, emerging designs for vehicles can be taken into account.
- 12.7 Licensing Authorities are asked to be particularly cautious about specifying only purpose-built Hackney Carriages, with the strict constraint on supply that implies. There are at present only a small number of designs of purpose-built Hackney Carriages. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.
- 12.8 The Licensing Authority will only license a vehicle as a Hackney Carriage or a

Private Hire Vehicle if it complies with European Whole Vehicle (M1) type approval, M1 Low Volume Type Approval or UK National Small Series Type Approval and Individual Vehicle Approval (IVA). These approvals related to wheelchair accessible vehicles/ converted vehicles and not saloon vehicles.

- 12.9 A vehicle will only be licensed as a Private Hire vehicle if it is not of an appearance or design that is considered likely to lead the public to think it is a licensed Hackney Carriage vehicle.
- 12.10 The Licensing Authority is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a Hackney Carriage or Private Hire vehicle licence. Hackney Carriages and Private Hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous.
- 12.11 This will also apply to Private Hire vehicles unless they are treated as a “special vehicle”.
- 12.12 The ‘Hackney Carriage and Private Hire Handbook’ sets out the specification and minimum standards in respect of Hackney Carriages and minimum standards for Private Hire Vehicles. All vehicles presented to the Licensing Authority for licensing and all vehicles whilst licensed must comply with the Authority’s current Hackney Carriage and Private Hire policy, handbook and vehicle testing standards specification.
- 12.13 The Licensing Authority reserves the right to carry out or require any form of test, examination or assessment as it sees fit to determine the suitability of a vehicle for licensing or to remain a licensed vehicle.

13.0 FARES

- 13.1 Hackney Carriage drivers may only charge their passengers such fare as is set by the Licensing Authority and published by it in its table of fares. The charges levied by Private Hire operators and drivers are not subject to the Authority’s control and form a private contract between the hirer and the operator.
- 13.2 The Licensing Authority is able to review the Hackney Carriage Table of Fares (“the tariff”) annually.
- 13.3 A table of authorised fares shall be provided to each Hackney Carriage Licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.
- 13.4 The Licensing Authority is unable to set fares for Private Hire Vehicles.

14.0 METERS

- 14.1 The meter will be calendar controlled to the current tariff as set by the Licensing Authority.
- 14.2 The taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is compliant. The certificate issued must be available for inspection on the vehicle. Seals must be intact at any time that the vehicle carries a Licence plate except when at an approved installers premises.

14.3 Meters are required to meet the Public Carriage Office Specification

15.0 ACCESSIBILITY AND EQUALITY

15.1 Cambridge City Council has a specific Hackney Carriage and Private Hire Disability Access Statement which can be found in the Hackney Carriage and Private Hire Handbook.

15.2 All new drivers must attend Accessibility & Equality Training as part of the application process.

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

15.4 All new Hackney Carriages (above plate 121) must be wheelchair accessible vehicles.

The Authority will apply any specification for such vehicles as may be provided by Regulations under the Equality Act 2010 and these will be detailed in the "Hackney Carriage and Private Hire Handbook". There is not the same requirement for private hire vehicles to be wheelchair accessible.

15.5 As Hackney Carriages pick up passengers from ranks and the road side, all new licensed Hackney Carriages must be side loading, the Licensing Authority will not licence rear loading wheelchair accessible vehicles.

15.6 Hackney Carriage licence plates numbered 1 to 121 retain protected "grandfather rights" to use saloon style vehicles.

15.7 The Equality Act 2010 places certain duties on licensed drivers to provide assistance to people in wheelchairs and to carry them safely. There are similar requirements on drivers in relation to the treatment of passengers with an assistance dog. Neither drivers nor operators of licensed vehicles can make any extra charge or refuse to carry such passengers.

15.8 Licensed drivers who are unable to carry out the duties imposed upon them under the Equality Act 2010 may apply to the Licensing Authority for an exemption certificate from those duties. The Council must issue an exemption certificate to that licensed driver if they are satisfied that it is appropriate to do so on medical grounds. It is the driver's responsibility to apply to the Council for such an exemption and to satisfy the Licensing Authority at his or her own cost of the medical grounds. A driver has no defence against these offences even if a medical ground or other physical condition exists, if he has not been issued an exemption certificate.

15.9 It is arguable that different accessibility considerations should apply between Hackney Carriage and Private Hire vehicles in that Hackney Carriages can be hired directly in the street or at a Hackney Carriage stand ("taxi rank"), by the customer dealing directly with a licensed driver. However, Private Hire vehicles can only be booked through a licensed Private Hire operator, normally by telephone or by visiting the Private Hire operator office. It is therefore considered particularly vital that an individual with accessibility requirements should be able to

hire a Hackney Carriage on the spot with the minimum delay or inconvenience, and requiring that all new Hackney Carriages are accessible assists in achieving that aim.

- 15.10 It is important that vehicle drivers, proprietors and operators ensure that licensed drivers carry all passengers in safety and comfort, and that they do not allow wheelchair passengers to travel sideways in their wheelchair. Therefore
- 15.11 Drivers should be appropriately trained in the use of relevant belts and other restraint locking mechanisms to ensure the safety of their passengers. It is the drivers responsibility to ensure that they understand fully how to use the equipment.

16.0 VEHICLE TESTING

- 16.1 The Licensing Authority must be satisfied that vehicles which are licensed by them are safe to operate within its area.
- 16.2 The DfT guidance recognizes that an annual MOT test for licensed vehicles of whatever age is necessary. No vehicle may be used as a Hackney Carriage or Private Hire vehicle unless it has been given a certificate of compliance in respect of a satisfactory test from the approved testing station, and has been appropriately licensed by the Authority.
- 16.3 Vehicle testing is carried out twice yearly, the Hackney Carriage and Private Hire Handbook sets out the specification and standards for vehicle testing and compliance. In addition to this, the Authority will adhere to National Vehicle Standards along with any localised byelaws or conditions as described in the Hackney Carriage and Private Hire Handbook.
- 16.4 The Licensing Authority may appoint a currently registered MOT station as an Appointed Testing Station who will conduct vehicle tests on its behalf. The Authority reserves the right to limit the number of approved garages.
- 16.5 Hackney Carriage and Private Hire vehicles are granted licences for a maximum period of one year. Prior to being granted a licence, each vehicle shall be examined and tested at Cambridge City Council's garage, , at which compliance with the requirements is assessed and confirmed by the issue of a certificate of compliance.
- 16.6 It is the proprietor's responsibility to ensure that all testing and application procedures are completed in order for the vehicle to become and/ or remain licensed.
- 16.7 Licensed vehicles that fail an authorised examination and test, and are deemed non-compliant by the examiner, will result in the vehicle proprietor being invited to re-test the vehicle. If an existing licensed vehicle fails, it must not work until a compliance test has been passed.
- 16.8 Proprietors of licensed vehicles are required to inform the Authority as soon as possible, and most certainly within 72 hours, of any accident that causes damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried. Proprietors must also present the vehicle to the Licensing Authority, for inspection, if requested.

16.9 Full details on the accident reporting process can be found within the Hackney Carriage and Private Hire Handbook.

17.0 VEHICLE INSPECTIONS

17.1 Licensed vehicles shall be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions of Licence is essential and will be enforced by periodic and/ or random vehicle inspections by authorised officers of the Council. Further guidance on vehicle inspections can be found in the Hackney Carriage and Private Hire Handbook.

18.0 SIGNAGE, LIVERY AND ADVERTISING

18.1 It is essential that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle.

18.2 Within Cambridge City Council's area, both Hackney Carriages and Private Hire vehicles will be required to display licence plates on their vehicle. This is a key feature in helping to identify vehicles that are properly licensed:

- i) Hackney Carriage Vehicles have a crest on the side of the vehicle bearing the words 'Cambridge Hackney Carriage'. They also display a pale blue identification plate on the rear of the vehicle and have a 'Cambridge Licensed Taxi' yellow roof sign on the top of the vehicle
- ii) Private Hire Vehicles do not have a taxi sign or crests. They display pale green front and rear identification plates and must bear a company door sign stating 'Private Hire – Pre-booked Only'.

18.3 The external licence plate supplied by the Licensing Authority shall be securely fixed to the outside of the vehicle, no temporary fixing is allowed.

18.4 Private Hire vehicles are not permitted to display roof mounted signs or any signs that include the words "taxi" or "cab" or "for hire".

18.5 Roof signs fitted to Hackney Carriage vehicles shall be illuminated at all times when the vehicle is available for hire. The sign bearing the word "TAXI" in black lettering on a yellow background on the front and "Cambridge Licensed Taxi Cab" in black lettering on a red background on the back is at all times to be prominently displayed on the roof of the vehicle except:

- i) when the vehicle is on hire for a wedding
- ii) when it is necessary to accommodate passengers luggage by use of a roof rack
- iii) when the vehicle is being used for social, domestic or pleasure purposes.

18.6 The roof sign can also be removed when the vehicle is undergoing maintenance work or is being cleaned, but must be put back on the vehicle before the vehicle is used again for hire and reward.

18.7 In order to ensure that the crests remain prominent and are not compromised by any other advertising the crests should be a minimum of 9.5 inches in diameter if circular in size and 10 inches width and height if square with no background colour, and attached to both the nearside and offside front doors of the vehicle.

18.8 Private Hire vehicles do not permit the display of advertisements. However, limited internal and external advertising may be permitted on hackney carriages in accordance with the Advertising Standards Agency code of practice and provided that the advertising leaves a 20 cm distance from the door crests. Any permission to display advertising will be subject to the prior written approval of the Council although advertisements concerning the following subjects will not normally be approved: -

- i) Political, ethnic, religious, sexual or controversial subjects
- ii) Escort agencies, gambling establishments or massage parlours
- iii) Nude or semi-nude figures
- iv) Tobacco or alcohol
- v) Anything likely to offend public taste

19.0 EXEMPTIONS

19.1 The DfT have issued guidance regarding the types of activities that may require licensing. In general, the following will not be considered to require licensing:

- Child minder vehicles
- Care transport workers
- Volunteers
- Ambulances
- Courtesy Cars

Each case will be taken on its own merits and the nature of the operation will be taken into account when considering if a licence is required.

19.2 The open display of the identifying licence plates is intended by the licensing legislation in protecting the public and supporting the trade by identifying it as a regulated business. However, there are occasions when the display of such identification is inappropriate on a Private Hire Vehicle and exemptions may be granted where there is sufficient reason.

19.3 Detailed guidance on the Plate Exemption Procedure for Private Hire Vehicles can be found in the Hackney Carriage and Private Hire Handbook.

20.0 STRETCHED LIMOUSINES AND PRESTIGE VEHICLES

20.1 Stretched limousines are elongated saloon cars, which are generally used for Private Hire work and special occasions.

20.2 Most limousines are imported for commercial purposes and are therefore required to take a Single Vehicle Type Approval (SVA) [to be replaced by the Individual Vehicle Approval (IVA)] test. The SVA or IVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads.

20.3 Any stretched limousines that are offered for private hire do require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week.

20.4 Applications to Licence stretched limousines as Private Hire vehicles will be treated

on their merits. However, imported stretched limousine type vehicles can:

- i) be granted an exemption from the requirement under the conditions of licence for Private Hire to be right hand drive;
- ii) be authorized as prestige type vehicles; and
- iii) be approved for licensing as Private Hire vehicles subject to the additional conditions detailed in the 'Taxi Guide'

20.5 Proprietors of prestige type vehicles licensed as Private Hire vehicles or Private Hire vehicles used in special circumstances may seek the permission of the Authority to waive the conditions of their licence relating to the display of licence plates, door stickers and driver badges.

21.0 CONTRACT VEHICLES

21.1 The Road Safety Act 2006 requires vehicles used for a contract with an organization or company, for carrying passengers for hire or reward under a contract, to be licensed as private hire vehicles. As a general guide this shall include executive hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

21.2 All vehicles with less than 8 passenger seats or fewer that carry passengers for hire and reward must be licensed by the Local Authority. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as 'courtesy cars', i.e. for transporting customers to and from hotel, nightclubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed.

21.3 Those operating 'courtesy cars', e.g. for transporting customers to and from hotels, nightclubs, etc. should have an operator's licence and the vehicles and driver must be appropriately licensed.

21.4 All ambulances registered with the British Ambulance Association will be exempt from private hire licensing.

21.5 Other patient transport services provided by either NHS or Voluntary Services that are registered with the British Ambulance Association will be exempt from private hire licensing.

21.6 All other ambulance or patient transport services that are not registered with the British Ambulance Association may be required to conform to private hire licensing requirements. The Licensing Authority strongly recommends that anyone wishing to provide this type of service contact the Council for each case to be considered on its merits.

21.7 In relation to Voluntary Sector Transport, the Licensing Authority will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.

21.8 When determining whether a vehicle is operating as a Private Hire Vehicle, the Licensing Authority will have reference to the Department for Transport's guidance

note “Private Hire Vehicle Licensing” and any relevant case law.

- 21.9 The Licensing Authority will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Authority considers that private hire vehicle licensing is necessary.

22.0 WEDDING VEHICLES

- 22.1 Vehicles used wholly or mainly for the traditional purposes of wedding ceremonies are exempt from the requirement to be licensed.

23.0 FUNERAL VEHICLES

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

24.0 SAFEGUARDING

- 24.1 Cambridge City Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

- 24.2 Safeguarding is the process of protecting children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect, and physical, emotional and sexual abuse.

- 24.3 All new hackney carriage, private hire and dual driver, proprietor and operator applicants must attend and pass the mandatory safeguarding training before submitting an application. Further guidance can be found the Hackney Carriage and Private Hire Handbook.

- 24.4 A mandatory refresher of the training will need to be undertaken by all licence holders, and an examination successfully passed, every three years.

25.0 DRIVER SAFETY

- 25.1 The trade provides a valuable service and security for drivers and passengers is of paramount importance. There are a number of ways to reduce risks such as prepayment of fares, driver screens, CCTV surveillance systems and radio link schemes.

- 25.2 The Hackney Carriage and Private Hire trades are encouraged to build good links with the local police force, including participation in any crime and disorder reduction partnerships.

- 25.3 The Licensing Authority does not require enhanced security or CCTV measures to be in vehicles at this time as it is considered that the taking of such measures should be left to the judgment of individual operators, proprietors and drivers. However, the Authority wishes to support the trade in taking sensible measures to protect the drivers and passengers in licensed vehicles and does recognize that there are benefits to the trade, and public, where CCTV is installed in licensed vehicles.

- 25.4 Whilst the Licensing Authority supports the use of CCTV in licensed vehicles the Authority is also mindful of the fact that there are data protection concerns arising from the use of such surveillance. Proprietors of licensed vehicles are responsible for

ensuring that installed CCTV conforms to the relevant applicable legislation, such as the Data Protection Act 1998.

25.5 To assist the trade and protect the public the Licensing Authority will expect that, where CCTV is installed in a licensed vehicle, the Proprietor will ensure:

- i) That the appropriate person responsible for the camera is registered as the Data Controller under the Data Protection Act 1988 and is responsible for ensuring compliance with the Act and associated legislation.
- ii) The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO).
- iii) Vehicles must display relevant signage informing members of the public that CCTV is in operation and that they are being filmed.
- iv) Access provision and agreements must be in place in order for the footage to be used by the relevant bodies and agencies.

25.6 Any proprietor wishing to install CCTV within a vehicle should seek advice from the Authority prior to the grant of the licence. Any permission to install CCTV may be subject to conditions attached to the vehicle licence.

25.7 The Licensing Authority reserves the right to amend the CCTV specification from time to time as the need arises, having regard to changes in technical standards, case law, national policy or any other circumstances that make it reasonable to amend the current specification.

25.8 Further guidance on driver safety can be found in the Hackney Carriage and Private Hire Handbook.

26.0 HACKNEY CARRIAGE STANDS

26.1 The purpose of Hackney Carriage stands (known as Taxi Ranks) is to provide the public with a set location where they can hire a licensed Hackney Carriage. Stands can be continual or be for part time use (e.g. night time only ranks).

29.2 A list of all public taxi ranks in the city are detailed in the Hackney Carriage and Private Hire Handbook.

27.0 VEHICLE APPLICATION PROCEDURES

27.1 The application procedures for a Hackney Carriage or Private Hire vehicle licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook.

27.2 The Licensing Authority shall consider all applications on their own merits once the appropriate criteria have been met and the application form and supporting documents are complete. Only then, and if the Licensing Authority is satisfied that the vehicle is suitable, will a licence be granted.

27.3 The vehicle proprietor is responsible for ensuring that the application process is followed and all necessary steps, documentation and fees are submitted in accordance with the procedure.

28.0 GRANT OF VEHICLE LICENCES

- 28.1 The maximum period for which a vehicle licence will be granted is 1 year. The Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstance.
- 28.2 The responsibility for applying to renew a licence, and to ensure that a vehicle is licensed, rests solely with the licence holder. Application forms, appropriate fees and supporting documentation, as set out in the Hackney Carriage and Private Hire Handbook shall be produced and any necessary appointments shall be arranged on a date prior to the expiry date of the licence. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 28.3 The Licensing Authority will only accept complete applications comprising of all the necessary information and documentation. Late or incomplete applications may render a vehicle being unlicensed for a period of time during which it will be unable to be used for licensed purposes. In some cases, once a licence has lapsed, vehicles may not be eligible to be re-licensed.

29.0 ENVIRONMENTAL CONSIDERATIONS

- 29.1 The DfT guidance suggests that authorities may wish to consider how far the vehicle licensing policy can and should support local environmental policies that the Licensing Authority may have. They may also decide to set vehicle emissions standards by promoting cleaner fuels. Local licensing authorities may also wish to note that a review carried out by the National Society for Clean Air and Environmental Protection in 2005 found taxis were more likely than other vehicles to fail emissions tests.
- 29.2 Cambridge City Council considers that every effort should be made to improve the efficiency of vehicles licensed to operate in the city by reducing the emissions of pollutants such as Nitrous Oxides, Particulate Matter and Carbon Dioxide.
- 29.3 The European Union has introduced stricter limits on pollutant emissions from light road vehicles, particularly for emissions of nitrogen oxides and particulates.
- 29.4 In order to limit pollution caused by road vehicles, this Regulation introduces common requirements for emissions from motor vehicles and their specific replacement parts (Euro 5 and Euro 6 standards).

NOx and PM emission standards for diesel cars

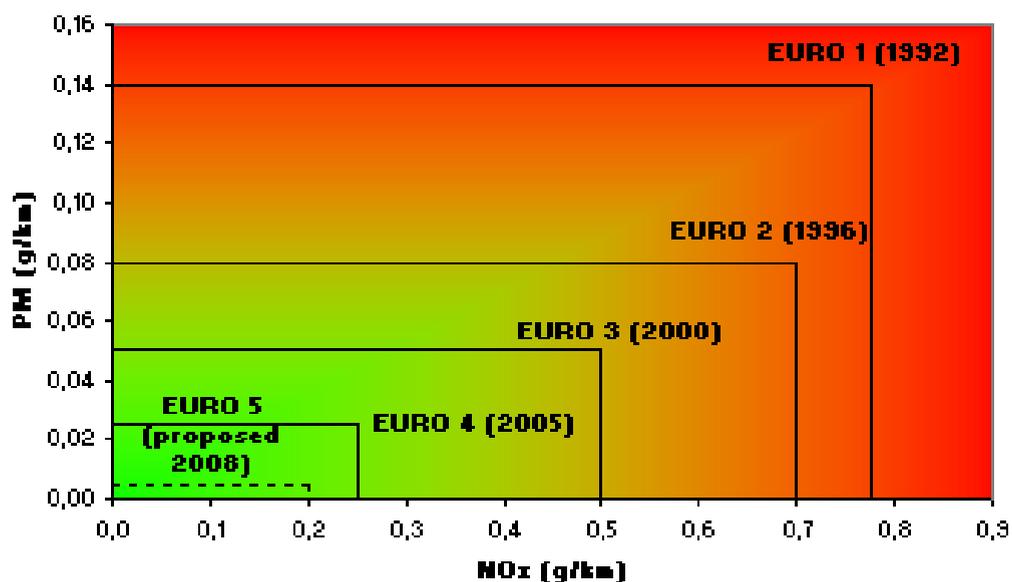


Figure 1 – Chart showing the implementation dates of successive Euro Standards and the Nox and PM levels for each of those standards

EURO STANDARD	DATE	NOX (G/km)	PM (G/ km)
Euro 1	July 1992		0.14
Euro 2	January 1996		0.08
Euro 3	January 2000	0.50	0.05
Euro 4	January 2005	0.25	0.02
Euro 5	September 2009	0.18	0.00
Euro 6	September 2014	0.08	0.00

Table 1 – Table showing the implementation dates of successive Euro Standards and the Nox and PM levels for each of those standards.

- 29.5 Cambridge City declared an Air Quality Management Area in 2004 because of predicted levels of nitrogen dioxide. An Air Quality Management Area (AQMA) is an area identified by Local Authorities where the statutory UK air quality objectives are being, or are expected to be breached up to the end of 2005, AQMAs are areas where levels of air pollution are higher than they should be (as defined by central government).
- 29.6 Levels of nitrogen dioxide in central Cambridge remain above the National Objectives; an Air Quality Action Plan was first adopted in 2005 and a more comprehensive version adopted in 2010. A revised Air Quality Action Plan is in preparation for 2015-2025.
- 29.7 The 2015-25 Air Quality Action Plan includes a plan to develop taxi policies to transform the taxi fleet into a low emission fleet which will lead to a significant reduction in emissions and a significant improvement in air quality.
- 29.8 To support the Councils Air Quality Action Plan minimum age limits and Euro Standards will be maintained and new policy incentives to incentivize the uptake of Hybrid and electric taxis will be consulted upon and implemented:
- (i) a new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old, **and** it meets the Euro 5 standard or higher.
 - (ii) a vehicle licence will not be renewed unless the vehicle is less than 9 years old and it meets Euro 4 standard or higher.
- 29.9 With the 9-year age limit for petrol and diesel vehicles, this will mean that by 2017/18 all the internal combustion fleet licensed will be to Euro 5 or 6. The extended age allowance for low emission vehicles reflects their low pollution and supports improvements to air quality in Cambridge.
- 29.10 The term `new` means any vehicle that is being licensed for the first time with Cambridge City Council (i.e. a complete new license) or where a license is issued on a particular vehicle and then surrendered and subsequently an application to license the same vehicle is made.
- 29.11 Encouraging better maintenance of vehicles could reduce emissions from licensed vehicles further, it is intended that this aspect be tackled through education and promotion.
- 29.12 The following potential incentives and regulatory policies, which are designed to incentivise the uptake of low emission and electric vehicles within the taxi fleet could be adopted following consultation:
- i) Renewal/ Registration fee discount or exemption**
- Currently a new Hackney Carriage (HCV) or Private Hire Vehicle (PHV) registration attracts an annual. £225 fee an HCV license renewal costs £210; and renewal of a PHV costs £200.
- It would be possible to reward those drivers who license an ‘ultra-low emission’ electric or plug in hybrid vehicle (ULEV) with a full fee exemption, for a period, to

encourage early adoption. Discussion with licensing officers and trade representatives have indicated that a period of up to five years would be an appropriate period in which to incentivise uptake.

We also seek to incentivise the uptake of established hybrid vehicles which have been shown to deliver significant emission benefits over diesel engines. A fee reduction for non-plug-in petrol/electric hybrids (not diesel) such as the Toyota Prius, Auris, Honda Insignia or Accord and others would encourage further uptake of these low emission vehicles, and reward those making the step.

A 50% fee reduction in these cases for both the existing (currently 31 in the fleet) and new vehicles is suggested. The suggestion of a 50% fee waiver acknowledges that standard hybrid vehicles will not have as much impact on emissions as will a full ULEV compliant vehicle but will encourage the shift away from Diesel whilst being simple to administer.

Both of the suggested incentives here have a financial cost as the Taxi licensing service is self-funded through the collection of fees. Any fees waived would need to be made up from general revenue funds.

ii) Waive or extend age limit for ULEVs or Hybrids.

This policy measure changes the business case for Taxi drivers considerably, by allowing vehicle cost to be spread over 10 or more years rather than 8 or less. We would consider up to a 15 year age limit for fully electric vehicles (subject to roadworthiness etc.) and 10 years for petrol / electric hybrids which do have internal combustion engines.

iii) Waive requirement for 6 month inspection

Currently we require all City Licensed cabs to be inspected at our garage twice a year this could be relaxed to one inspection per year, for example, for the first 5 years of operation for a new low emission taxi.

iv) Create an Electric Taxi only rank

This would need to be in a popular location or replace part of an existing all vehicle rank to be effective. It may need to be located to complement charging infrastructure, and only implemented once a suitable number of Electric Vehicles have entered the fleet.

v) Vehicle Purchase Subsidies for Electric vehicles

Details of currently available subsidies are set out in the table below – A successful bid to central government could provide an additional £3000 subsidy for purpose built electric Hackney Carriages, per vehicle.

Vehicles eligible for a Plug-In Grant – from March 2016 there will be different levels of grant for different vehicles. List of vehicles in Appendix 2.

- **Category 1**
CO₂ emissions less than 50g/km and zero emission range of at least 70 miles £4,500
- **Category 2**
CO₂ emissions less than 50g/km and zero emission range of 10 – 69 miles £2,500
- **Category 3**
CO₂ emissions 50 – 75g/km and zero emission range of at least 20 miles £2,500

Source: OLEV (Office for Low Emission Vehicles)

vi) Provision of ‘Rapid - Taxi Only’ charging infrastructure

An initial number of charging points could be funded by a successful bid to central government with a further four locations funded through an existing City Council capital commitment.

vii) Set date for all newly registered vehicles to be low or ultra-low emission

Setting a date after which traditional internal combustion engine taxis could not be newly registered as a PHV or HCV in Cambridge would focus the minds of Taxi drivers to plan for moving to electric or hybrid vehicles.

A sensible suggestion would be to set this for 5 years hence (say April 1st 2021) and phase out any fee exemptions at the same time. Five years notice will give the trade more than reasonable notice of the change and allow proper business planning.

viii) Set date for all licensed taxi vehicles to be low or ultra-low emission

Setting a back stop date where all taxis licensed for operating in the City must be low or ultra-low emission vehicles. We would propose a date, 10 years hence (April 1st 2026).

Currently the age restrictions on taxis mean that no licensed vehicle can be in operation if it is over 9 years old. Therefore setting a cut-off date 10 years hence for all taxis to be ULEV or Hybrid means no one will be forced to change vehicle earlier than they would have to under the current rules, thus giving more than reasonable notice of the change to allow proper business planning for the trade.

ix) Restrict City Centre Access to ULEV and Hybrid Taxis only

This will be possible with the changes to access management of the City Centre (currently by transponder and rising bollard) to Automatic Number Plate Recognition ANPR which are pending installation by Cambridgeshire County Council.

There will potentially be considerable flexibility in how this is enforced and could be time limited for peak times. This policy is outside our own licensing powers and is only deliverable with the cooperation of the County Council. It is likely to be an important factor in ensuring compliance should the low emission criteria become mandatory.

Discussions have taken place with relevant County Officers and there is agreement that these restrictions could be delivered using the proposed mechanisms.

The Cambridge City Deal consultation is considering the implementation of a number of further traffic restrictions on key access routes outside the City Centre by introducing Bus Gates. These will use the same mechanism, ANPR to facilitate preference for buses, and could also allow access for low emission taxis.

Funds to replace current rising bollards with ANPR enforcement have already been committed by the County Council as transport authority and work will be commissioned in August and September 2016. The proposed 'Bus Gates' outside the core area will be delivered through the City Deal funding.

- 29.12 The Authority recognizes that low emission vehicles can have a positive impact on the environment and any application received for other low and ultra-low emission vehicles will be considered on its own merits.

30.0 SMOKING

- 30.1 The driver of a licensed vehicle must not smoke in the vehicle at any time, including when the vehicle is being used for social, domestic and pleasure purposes.
- 30.2 The driver of a licensed vehicle shall not permit any other person or fare-paying passengers to smoke in a licensed vehicle.
- 30.3 This also includes a ban in electronic inhaler type cigarettes and 'vaping'.

PART 3

DRIVERS

DRAFT

31.0 GENERAL

- 31.1 The statutory and practical criteria and qualifications for a Hackney Carriage Driver are similar to those of a Private Hire Driver. The sections below therefore, apply equally to Hackney Carriage, Private Hire and Dual Drivers unless indicated.
- 31.2 Licensed drivers provide a public service. The Licensing Authority will not licence anyone to drive a Hackney Carriage or a Private Hire vehicle unless it is satisfied that they are a fit and proper person.

32.0 FIT AND PROPER

- 32.1 There is no definition of 'fit and proper' in legislation nor a fixed legislative process. It is for Cambridge City Council to determine how it wishes to be satisfied that a driver is fit and proper and to this end, the Authority considers a range of documentary evidence, practical criteria and testing mechanisms provided by an applicant in order to be satisfied of this.

33.0 DRIVER LICENCES

- 33.1 The Licensing Authority grants three types of licence in respect of driving Hackney Carriage and Private Hire vehicles (Hackney Carriage Driver Licence, Private Hire Driver Licence and Dual Driver Licence). Applicants granted their first licence will be limited to a maximum period of 12 months and thereafter there is the option of having a licence issued for a minimum of 12 months or a maximum of 3 years.
- 33.2 The Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstances
- 33.3 The responsibility for applying to renew a licence, and to ensure that all documentation, checks and associated criteria is up to date, rests solely with the licence holder. Application forms, appropriate fees and supporting documentation, as set out in the Hackney Carriage and Private Hire Handbook shall be produced and any necessary appointments shall be arranged on a date prior to the expiry date of the licence. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 33.4 The Licensing Authority will only accept complete applications comprising of all the necessary information and documentation. Late or incomplete applications may render a driver being unlicensed for a period of time during which they will be unable to work as a licensed driver.
- 33.5 Applicants shall be over 18 years of age and shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months.
- 33.6 The Authority shall use the services of an appropriate party to access DVLA records in addition to checking the full licenses produced by the applicant.

34.0 ELIGIBILITY TO LIVE AND WORK IN THE UK

- 34.1 Cambridge City Council has a responsibility to ensure that it only issues licences to

individuals who have a legal entitlement to live and work in the United Kingdom.

- 34.2 Proof of the right to live and work in the UK must be provided by Driver and Operator applicants in accordance with the Immigration, Asylum and Nationality Act 2006. As part of the new licence application process, individuals will be required to present original documentation for verification and copies will be made and retained on file. The Home Office has produced a list of documents that applicants can provide, further information can be found in the Hackney Carriage and Private Hire Handbook.
- 34.3 If an individual is not a UK or EEA national then they will need to obtain permission to live and work in the UK.
- 34.4 Individuals may have a permanent or temporary right to live and work in the UK. Licences will not be issued for a period any longer than the length of an individual's permission to live and work in the UK.
- 34.5 The Licensing Authority work in conjunction with the Home Office to ensure that Immigration Offences are minimized. The Licensing Authority may exercise discretion to grant or renew a licence, or to suspend or revoke an existing licence if an individual is found to be living or working in the UK without the required authorization.
- 35.0 DISCLOSURE AND BARRING SERVICE (DBS)**
- 35.1 A Disclosure and Barring Service Certificate (DBS) is seen as an important safety measure by the Licensing Authority to ascertain whether or not a driver applicant is fit and proper to hold a licence.
- 35.2 Cambridge City Council is an approved DBS registered body and driver applicants can therefore deal with the DBS through the Council and pay the appropriate fee. Cambridge City Council will not accept portability of a DBS.
- 35.3 An enhanced DBS shall be undertaken upon application and every three years after (if subsequent renewal applications are made) as these disclosures include details of spent convictions, police cautions and other relevant information. The Licensing Authority may, at its discretion, require additional DBS checks within the standard three year cycle.
- 35.4 A Council may require an applicant for a licence under the Town and Police Clauses Act 1847, or under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976, to submit any information that they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence. Cambridge City Council therefore requires any Proprietors or Operators that are not licensed drivers with Cambridge City, to undertake an enhanced DBS upon application and every three years after (if subsequent renewal applications are made).
- 35.5 However, the Council encourages drivers, proprietors, operators and applicants to join the DBS Update Service which allows the applicant to keep the Council informed of their criminal record history at all times. It is believed that all responsible and professional licensed drivers will do this. Further guidance on the DBS Update Service can be found in the Hackney Carriage and Private Hire Handbook.

- 35.6 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction would be regarded as 'spent' and not normally require disclosure of that conviction. However, in 2002 the Act was amended to exclude Hackney Carriage and Private Hire Drivers from the 1974 Act. The driving of Hackney Carriage and Private Hire vehicles is listed as a 'Notifiable Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- 35.7 Applicants must disclose all convictions (including driving convictions), police warnings, and reprimands, ASBOs, cautions, Community Service Orders, Restraining Orders and fixed penalties including those that would previously have been regarded as spent under the 1974 Act.
- 35.8 Existing licence holders must disclose all new convictions (including driving convictions), police warnings, reprimands, ASBOs, cautions, Community Service Orders, Restraining Orders and fixed penalties to the Licensing Authority in writing within seven working days. Further information on DBS's, relevance of Convictions and Cautions and the Rehabilitation of Offenders Act 1974 can be found in the Hackney Carriage and Private Hire Handbook.
- 35.9 For the consideration of convictions and police cautions recorded against individuals, the Licensing Authority has adopted the policy as set out in the Hackney Carriage and Private Hire Handbook..
- 35.10 In assessing whether the applicant is a fit and proper person to hold a licence, the Licensing Authority shall consider each case on its own merit. It will have regard to the following factors in assessing the relevance of cautions and convictions:
- Whether convictions are spent or unspent
 - The nature of the offence or information
 - The age of the offence
 - The apparent seriousness, as gauged by the penalty
 - Any pattern of offending

Upon receipt of a disclosure from the Disclosure and Barring Service, the information will be risk assessed by an Authorised Officer who will consider whether the information received is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence in line with the policy guidance in the Hackney Carriage and Private Hire Handbook.

36.0 CERTIFICATES OF GOOD CONDUCT

- 36.1 Applicants who have lived out of the UK for any period of time within the five years prior to their application or renewal must obtain a certificate of good conduct from the relevant embassy or consulate covering that period.
- 36.2 The certificate of good conduct must be authenticated, translated and sealed by the relevant embassy or consulate.
- 36.3 Any costs associated with obtaining a certificate of good conduct are the responsibility of the applicant or driver.

37.0 DRIVING LICENCE RECORDS

- 37.1 The Licensing Authority will carry out a check of DVLA records when considering if an applicant or driver is a fit and proper person to be licensed. This is to ensure that the

information submitted by the applicant is in accordance with the information held by the DVLA and so that the the Licensing Authority are aware of any endorsements on the individual's driving licence.

38.0 MEDICAL EXAMINATION

38.1 The DfT recognizes that it is good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for Hackney Carriage and Private Hire drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the general public who have expectations of a safe journey;
- they are on the road for longer hours than most car drivers; and
- they may have to assist disabled passengers and handle luggage.

38.2 The Licensing Authority acknowledges the importance of a driver's good physical and mental health in protecting the public and requires that all new and renewal drivers must meet the DVLA Group II Medical Standards.

38.3 Medicals are required for all new applicants and every five years thereafter until the age of 60. Whilst Group II Licences are valid up until 45 and every five years thereafter, CCC have a more frequent checking mechanism for medical fitness.

38.4 Medicals are required for all new applicants (including holders of PSV and/ or HGV licences). After the initial medical, subsequent medicals are then required every five years at each of the following birthdays: 25, 30, 35, 40, 45, 50, 55 and 60.

38.5 Once a driver has reached the age of 60 a medical will be required annually thereafter.

38.6 For holders of current PSV and/ or HGV licences, who can produce evidence of a current medical examination, the Council will accept the PSV/ HGV entitlement in lieu of a medical at age 45, 50, 55 and 60.

38.7 Licence holders and applicants must consider the medical conditions as listed in the Hackney Carriage and Private Hire Handbook as the Licensing Authority may refuse to grant an application or revoke an existing licence where an applicant has any of the listed conditions.

38.8 If, once licensed, the drivers medical circumstances change during the period which the licence is held, the driver must notify the Licensing Authority within 7 days. If there is any doubt as to the medical fitness of an individual, the Authority may require the individual to undergo a further medical examination by their GP or an approved practitioner. Each case will be assessed on its own merits and further guidance can be found in the Hackney Carriage and Private Hire Handbook.

39.0 KNOWLEDGE

39.1 Hackney Carriage and Private Hire drivers need a good working knowledge of the area for which they are licensed, because vehicles can be hired immediately, directly with the driver at hackney carriage stands or on the street in the case of Hackney Carriages and by prior booking through a Private Hire Operator in the

case of Private Hire Vehicles. Additionally, it is expected that drivers should be able to communicate with their customers and be able to carry out the basic arithmetic associated with the paying of fares.

39.2 In order to commence the new driver application process an applicant must first register to take a Cambridge City Council Knowledge Test. Only once the Knowledge Test has been passed may they continue with the application process.

39.3 The test can only be attempted four times within 12 months, and then it is recommended that if applicants wish to reapply, they do so after a break of six months. Additional guidance on the Knowledge Test can be found in the Hackney Carriage and Private Hire Handbook.

40.0 DRIVING PROFICIENCY

40.1 As licensed drivers are on the road more frequently than most other people, the Licensing Authority has concluded that an additional Driving Assessment (to the DVLA Driving Test) be the standard of driving competency for the drivers of Hackney Carriage and Private Hire vehicles licensed with this Authority. There are no exceptions.

41.0 DRIVER APPLICATION PROCEDURES

41.1 An application for a Hackney Carriage, Private Hire or Dual driver's licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook.

42.0 CONDITIONS OF DRIVER LICENCES

42.1 Hackney Carriage Drivers are subject to the Council's Byelaws.

42.2 The Authority considers that the conditions as set out in the Hackney Carriage and Private Hire Handbook are reasonable, necessary and appropriate for all licensed Hackney Carriage and Private Hire drivers.

43.0 CODE OF GOOD CONDUCT

43.1 The Licensing Authority consider that Hackney Carriage and Private Hire trade is the key front line transport service for residents and visitors to Cambridge City and have set down the standards which must be adopted in maintaining a safe, professional and efficient approach to transport members of the public.

43.2 The standards of expected behavior of all licensed drivers are set out in the Hackney Carriage and Private Hire Handbook and should be read in conjunction with the other statutory and policy requirements set out in this document.

43.3 The code of conduct is in place to enhance the professionalism of, and to promote public confidence in, licensed drivers. Failure to comply with any aspect of the Code of Conduct will not necessarily result in enforcement action. However, breach of the code is an indicator which the Licensing Authority will use to help decide upon

subsequent enforcement action.

DRAFT

PART 4
OPERATORS

DRAFT

44.0 PRIVATE HIRE OPERATORS REQUIREMENTS AND OBLIGATIONS

- 44.1 Any person who operates a Private Hire service (who is not a Hackney Carriage Proprietor who permits Hackney Carriages to be used for Private Hire) must apply to the Licensing Authority for a Private Hire Operator's Licence. The objective in licensing private hire operators is the safety of the public, who will be using operator's premises, and vehicles and drivers, arranged through them.
- 44.2 A Private Hire vehicle may only be dispatched to a customer by a Private Hire Operator who holds an operators' licence. Such licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle.
- 44.3 A Private Hire operator shall ensure that every Private Hire vehicle is driven by a person who holds a Private Hire driver's licence.
- 44.4 An application for a Private Hire Operator's licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook. The Licensing Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence.
- 44.5 All three licences:
- i) Private Hire operator's licence
 - ii) Private Hire driver's licence
 - iii) Private Hire vehicle licence
- must be issued by the same Licensing Authority
- 44.6 Private Hire operators, that are not licensed drivers, are required to produce an enhanced DBS certificate or (if they have lived out of the UK for a period of six months or more in the last five years) a certificate of good conduct from the relevant embassy or consulate for overseas applicants. In order to promote the objective of public safety, before an application for a Private Hire Operators licence will be considered, the Licensing Authority requires all new Private Hire Operators (who are not already licensed drivers with the City Council) to submit an Enhanced DBS certificate (dated within one month) as part of their application.
- 44.7 All Private Hire Operator renewals (for individuals who are not already licensed drivers with the City Council) are to undertake an Enhanced DBS certificate (dated within one month) every three years.
- 44.8 The application procedure for new and renewal Private Hire Operators licences is set down in the Hackney Carriage and Private Hire Handbook.
- 44.9 The Licensing Authority has power to impose such conditions on an operator's licence, as it considers reasonable necessary. These are set out in the Hackney Carriage and Private Hire Handbook.

45.0 INSURANCE

- 45.1 Before an application for a Private Hire Operator's licence is granted, the applicant shall produce evidence that they have taken out Public Liability insurance for premises that are open to the public.
- 45.2 The conditions for Private Hire Operators licences, will require that the operator produce an appropriate certificate of motor insurance that covers every Private Hire vehicle on the operators fleet policy.

46.0 PRIVATE HIRE OPERATOR LICENCE DURATION

- 46.1 Cambridge City Council shall grant Private Hire operator licences for a period of one year from the date of grant or for five years from the date of grant (renewal licences only).
- 46.2 The responsibility for applying to renew an Operator licence, and to ensure that all documentation, checks and associated criteria is up to date, rests solely with the licence holder. Application forms, appropriate fees and supporting documentation, as set out in the Hackney Carriage and Private Hire Handbook shall be produced and any necessary appointments shall be arranged on a date prior to the expiry date of the licence. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 46.3 The Licensing Authority will only accept complete applications comprising of all the necessary information and documentation. Late or incomplete applications may render an operator being unlicensed for a period of time during which they will be unable to work as a licensed operator.

47.0 RECORD KEEPING

- 47.1 The Local Government (Miscellaneous Provisions) Act 1976 requires Operators to keep records of each booking. Information should include the date and time of the booking, the name of the passenger, how the booking was made, the destination, the name of the driver and the licence number of the vehicle. Records can be kept in a suitable book or on a computer or any other recordable device. If you are using a book the pages must be numbered consecutively.
- 47.2 The Operator shall permit an Authorised Officer of the Council access to records required by their licence, at all reasonable times.
- 47.3 The operator must hold records of insurance and licence expiry dates of drivers and vehicles. No journeys can be allocated to uninsured or unlicensed drivers and vehicles.

48.0 ADDRESS FROM WHICH AN OPERATOR MAY OPERATE

- 48.1 The Licence Authority, when it grants an Operator's licence, will specify the address from which the operator may operate. This will be the premises where the records referred to (as above) are kept and at which the Licensing Authority may inspect them.
- 48.2 The Operator must notify the Licensing Authority in writing of any change of address during the period of the licence, within seven working days.

- 48.3 The operator is responsible for ensuring that appropriate planning consent exists for the use of the operational address to be used for that purpose. The grant of a Private Hire Operator's licence will not imply that planning consent has been given. Proof of planning permission may be required before a licence is granted.
- 48.4 The Licensing Authority will not grant an operator's licence for an operator with an operating base that is outside the district area. However, it is possible to obtain an Operator's Licence for premises within 10 miles of the City Boundary. This is to ensure that proper regulation and enforcement measures can be taken and is in no way intended to be a restraint on trade.

49.0 SUB CONTRACTING

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

50.0 CROSS BORDER HIRING

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

PART 5
ENFORCEMENT

DRAFT

51.0 ENFORCEMENT

- 51.1 It is recognised that a well-directed, risk based approach to enforcement activity by the Licensing Authority benefits not only the public but also the responsible members of the Hackney Carriage and Private Hire trades. The DoT accepts that the resources devoted by licensing authorities to enforcement will vary according to local circumstances.
- 51.2 Legislation relating to a Licensing regime and the conditions of licence designed to protect public safety are of no value unless they are correctly enforced by the Licensing Authority. In pursuance of the objective to encourage responsible Hackney Carriage and Private Hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives set out in section 3.0 of this document. Where defects are such that a vehicle or driver's Licence needs to be suspended, interference with livelihood is inevitable.
- 51.3 The City Council has adopted an Enforcement Management System and any action taken will be in accordance with the Council's Enforcement Policy.
- 51.4 The enforcement management system, as set out in the Hackney Carriage and Private Hire Handbook, will ensure that the Licensing Authority's enforcement effort is reasonable, transparent and well directed.
- 51.5 The aim of the enforcement management system will be to work in conjunction with other enforcement options and provide a formal stepped enforcement plan. The system will be used to record alleged misdemeanors and act as a record of drivers' behaviour and conduct.
- 51.6 Complaints from the public and/ or any routine enforcement that identify significant breaches of conduct will be subject to investigation by Officers. The system will serve as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.
- 51.7 The adoption of an Enforcement Management System will not, however, compromise the Council's ability to enforce breaches of statute in the Courts when necessary.
- 51.8 The City Council has adopted an enforcement policy in line with the Governments Better Regulation Unit Enforcement Concordat and Regulators Code of Practice. Any enforcement action taken will be in accordance with the Council's Enforcement Policy.
- 51.9 The Licensing Authority will share information with other agencies in respect of potential illegal activities and enter into joint enforcement operations with other agencies and authorities.

52.0 COMPLIANCE

- 52.1 Informal action to secure compliance with legislation, conditions and policy will include offering advice, requests for action, verbal advice, guidance notes, the use of written instructions and the undertaking of inspections.

52.2 Formal action to secure compliance with a breach of any condition, law or byelaw will be exercised in accordance with the Enforcement Management system as detailed in the Hackney Carriage and Private Hire Handbook.

53.0 RANGE OF POWERS

53.1 The Licensing Authority may take any of the steps below upon receipt of evidence that an offence has been committed in relation to a Hackney Carriage, Private Hire or Dual Licence. A breach of condition amounts to an offence in this context:

- i) Suspension of the Licence;
- ii) Revocation of the Licence;
- iii) Refusal to Renew;
- iv) Issuing of Warnings.

In relation to an offence committed for breach of a statutory obligation, the Licensing Authority may take one of the following steps in addition to the above:

- i) Issuing of Simple Cautions;
- ii) Prosecution.

Further detail can be found in the Hackney Carriage and Private Hire Handbook.

53.2 All Officers of Cambridge City Council, duly authorised under the Authority's Scheme of Delegation, are responsible for the day-to-day operation of the Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the Policy.

54.0 COMPLAINTS, COMPLIMENTS AND COMMENTS

54.1 Members of the public who wish to submit complaints, compliments or comments about licensed drivers and operators can do so via the Licensing and Enforcement Team. All complaints will be dealt with in accordance with the process as described in the Hackney Carriage and Private Hire Handbook.

54.2 Cambridge City Council has a clear complaints procedure to ensure that there is a clear and systematic process by which members of the public can seek redress for any failures in service provision. Further guidance can be found in the Hackney Carriage and Private Hire Handbook.

55.0 WARNINGS

55.1 In respect of minor breaches of licence conditions the Licensing Authority shall issue warnings as appropriate to the circumstances. A Warning may be used for minor, technical or first time transgressions where it may not be in the public interest to prosecute. Further guidance relating to this can be found in the Hackney Carriage and Private Hire Handbook.

56.0 PROSECUTION

56.1 The Licensing Authority will have regard to the Regulators Compliance Code, Code for Prosecutors, DfT Best Practice Guidance and its own enforcement policy when considering whether or not to prosecute a licence holder for a relevant offence.

56.2 The Authority will consider prosecution where:

- the allegation is of a serious or repeated offence
- the Council proposes to issue a formal caution to the licence holder, but the offence is not admitted or the formal caution is not accepted
- there have been repeated breaches of legal requirements
- a particular type of offence is prevalent
- a particular contravention has caused public harm, particularly to the vulnerable or extreme inconvenience

57.0 SUSPENSION OF A LICENCE

57.1 Where a Licence holder has been referred to the Licensing Sub Committee, the Sub Committee may order the suspension of the Licence.

57.2 A drivers licence may be suspended with immediate effect, delegated to the Head of Environmental Services, for a hackney carriage, private hire or dual driver where it is in the interests of the public safety to do so as pursuant to Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the Magistrates' Court but this will not affect the suspension starting with immediate effect.

58.0 REFUSAL TO GRANT

58.1 The Licensing Authority have the discretion to decide that a licence will not be granted if the vehicle, driver or operator does not meet the requirements of the policy. There is a right of appeal to the Magistrates' Court.

59.0 REVOCATION OF A LICENCE

59.1 Where the Licence holder has been referred to the Licensing Sub Committee, the Sub Committee may order the revocation of the licence.

59.2 A drivers licence may be revoked with immediate effect, delegated to the Head of Environmental Services, for a hackney carriage, private hire or dual driver where it is in the interests of the public safety to do so as pursuant to Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the Magistrates' Court but this will not affect the suspension starting with immediate effect.

60.0 REFUSAL TO RENEW

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

61.0 RIGHTS OF APPEAL

61.1 Any notifications of enforcement actions will include information on how to appeal, where that right of appeal exists. This will include where and within what time period an appeal may be brought.

- 61.2 In general terms, where an applicant is aggrieved by the Council's Licensing Sub Committee decision to suspend or revoke a Licence or attach conditions to a Licence or to refuse to grant or renew a Licence, the applicant has a right of appeal to the local Magistrates' Court. The specific grounds for appeal are detailed in the Hackney Carriage and Private Hire Handbook.
- 61.3 Any appeal must be lodged at the Court within twenty-one days of the applicant receiving written notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

62.0 INFORMATION AND DATA SHARING

- 62.1 In the interests of protecting public funds, the Council reserve the right to use any information or data submitted as part of an application, renewal, administration or compliance and enforcement process for the prevention and detection of fraud and crime.
- 62.2 The Council may share your information internally and we reserve the right to check the information you have provided for accuracy and to detect crime. We may share your information with other statutory/ regulated Authorities or if it is required by law. Other parties may include the Department for Work and Pensions, The Home Office, The Police, the DVLA, HM Revenues and Customs and other local authorities.
- 62.3 Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger where there is indication that there is a public protection risk.
- 62.4 Information is passed on at charge, or exceptionally arrest, rather than on conviction, which may be some time after, allowing appropriate measures to be put in place.

issue notices for periods up to 48 hours. Note: The Anti-Social Behaviour, Crime and Policing Act gives power to the Chief Executive (or a person designated by her) to issue notices for periods up to 48 hours. The Chief Executive will decide which officers she will designate.

- Injunctions under Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014 including the decision about whether to publicise an injunction subject to notifying the Leader, and the Chair and Spokespersons of the Strategy and Resources Scrutiny Committee when publicity has been authorised. Criminal Behaviour Orders (CBOs) under Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 including the decision about whether to publicise a CBO except when an order prohibiting publication has been made under section 39 of the Children and Young Persons Act 1933, subject to notifying the Leader and the Chair and Spokespersons of the Strategy and Resources Scrutiny Committee when publicity has been authorised.
- To authorise the issue and enforcement of Community Protection Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 Note: The delegation of this power to the Director of the Environment and Director of Customer and Community Services will enable the Directors to delegate the issue of Community Protection Notices to officers within their departments as they consider appropriate to enable enforcement to be carried out effectively

Delegations to Director of Customer and Community Services in respect of environmental health and licensing functions

Service Area Delegations: Executive and Regulatory Functions

- Monitoring and Control of Air Pollution
- Contaminated Land
- Radioactive Substances

All powers concerned with ensuring proper maintenance, upkeep and management of properties for the protection of the safety and well-being of private sector residents including action on Category 1 & 2 hazards, overcrowded or vacant housing, and the exercise of powers relating to houses in multiple occupation, but excluding:

- The making of a clearance area declaration
- The making of a general improvement area declaration
- The making of demolition orders
- The making of compulsory purchase orders
- The making of Interim and Final Empty Dwelling Management Orders
- The making of Interim and Final Management Orders

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- The making of additional HMO licensing schemes
- The making of Selective HMO Licensing

Specific Delegations: Executive Functions

a) Powers delegated by Executive Councillor for Housing

- In accordance with the policies determined by the Council, to approve the payment of removal expenses incurred as a consequence of any order made by or on behalf of the Council under the Housing Acts or in respect of any other removal at the instigation of the Council.
- To execute works to prevent unauthorised entry into an unsecured dwelling under the Local Government (Miscellaneous Provisions) Act 1982.
- To take action under Section 33 of the Local Government (Miscellaneous Provisions) Act 1976 to restore or maintain supplies of gas, electricity or water at dwellings occupied by tenants.
- To act as the proper officer to receive reports of Category 1 or 2 hazards existing on any residential premise under Section 4(6) of the Housing Act 2004.
- To deal with Unlawful Eviction and Harassment (14/12/CS).

Service Area Delegations: Executive and Regulatory Functions

a) Powers delegated by the Executive and by the Licensing Committee

- Food hygiene and safety
- Health and Safety (including home safety)
- Prevention, control and remedy of statutory nuisances
- Water pollution
- Control of dogs and other animals and all matters concerned with animal welfare and control
- Sale of Game
- Control, and destruction where necessary, of Pests, nuisances and infectious diseases
- Monitoring and control of noise, including management of the Noise Call Out Service
- To authorise the issue and enforcement of Community Protection Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014
- Other Public Health regulatory functions not otherwise specified within these delegations
- Acupuncture, tattooing, ear piercing and electrolysis
- Control of caravan sites
- Control and removal of unauthorised encampments
- Hackney carriages, private hire vehicles and trishaws (except: the suspension of a driver's or a vehicle licence, unless the driver or proprietor of the vehicle, as appropriate, is informed of the right to appeal to the Taxi Regulation Sub-Committee within 14 days. (In the

event of such an appeal, it shall be heard within 7 days of receipt of the appeal.)

- Street collections, house to house collections and the issuing of permits to special interest pressure groups except for the refusal of house to house collection permits.
- Control, regulation and enforcement powers in relation to shops and trading.
- The registration and monitoring of pool betting promoters
- The licensing of scrap metal dealers & businesses which sell/recycle second hand car parts
- To appoint an official veterinary surgeon to carry out duties required at premises licensed under the *Food Hygiene (England) Regulations 2006/14*
- The power to implement and enforce the provisions of Chapter 1 of Part 1 of the Health Act 2006 and Regulations made under that Act in relation to smoke free premises, places and vehicles.
- The power to authorise in writing any person (whether or not an officer of the City Council), either generally or specifically, to act in matters arising under Chapter 1 of Part 1 of the Health Act 2006 and Regulations made under that Act in relation to smoke free premises, places and vehicles.
- The Council's powers relating to Closure Notices and Closure Orders under Part 4 of the Anti-Social Behaviour Crime and Policing Act 2014 including issuing notices for periods not exceeding 24 hours, subject to the Chief Executive (or a person designated by her) having power to issue notices for periods up to 48 hours. Note: The Anti-Social Behaviour, Crime and Policing Act gives power to the Chief Executive (or a person designated by her) to issue notices for periods up to 48 hours. The Chief Executive will decide which officers she will designate.

Scrap Metal Dealers Act 2013

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Hackney Carriage and Private Hire Enforcement Management System

It is the policy of Cambridge City Council to ensure that proprietors, drivers and operators are licensed and carry out their trade in accordance with both the relevant law and the conditions attached to the licences. This will ensure a safe and secure Hackney Carriage and Private Hire Service.

In relation to private hire operators' licences and both hackney carriage and private hire drivers' licences the Council cannot grant or renew a licence unless they are satisfied that the applicant is a fit and proper person to hold the licence.

The enforcement management system is intended to fairly and firmly enforce the law in a consistent and transparent way.

The City Council has a duty to enforce a wide range of statutes relating to:

- public health and safety,
- quality of life,
- preservation of public and residential amenity
- maintenance of the environment and
- protection of public funds.

All of these activities will be carried out having regard to the general principles of good enforcement practice outlined in our Corporate Enforcement Policy.

The Council's graduated approach to enforcement is based on the principles of:

- Courtesy and Helpfulness
- Clear Standards and Practices
- Consistency
- Openness
- Proportionality; and
- Training of drivers, proprietors and operators

Achieving and maintaining a consistent approach to making decisions about taxi licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, the guidelines must be considered and followed. Enforcement action will be related to the seriousness of the breach and the possible consequences arising out of it. Enforcement action will not, therefore, constitute a punitive response to minor technical contraventions of legislation.

When making enforcement decisions, Authorised officers will take this enforcement management system into account. Any departure from this must be fully considered, exceptional, capable of justification, and must be endorsed by the Licensing & Enforcement Manager or more senior officer before the decision is implemented.

1. Enforcement Options

Licence application and enforcement decisions must always be consistent, balanced, proportionate and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the:

- seriousness of any offences;
- driver, proprietor or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- public safety;

Having considered all relevant information and evidence, the choices for action are applicable to:

a) Licence Applications:

- Grant licences subject to the Council's Hackney Carriage and Private Hire Licensing Policy requirements and such conditions as the Council deems necessary and proportionate; or
- Refuse to grant or renew a licence.

b) During the life of a Licence:

Enforcement action	Description
No action	In instances where a complaint has been received from an anonymous source or insufficient information is given.
Informal action	<p>Includes offering advice, verbal or written warnings, interviews, and the use of letters to secure compliance with legislation/policy.</p> <p>Such informal enforcement action may be appropriate in any of the following circumstances: -</p> <ul style="list-style-type: none">• The act or omission is not serious enough to warrant more formal action;• It can be reasonably expected that informal action will achieve compliance, perhaps by taking into account the individual driver, proprietor or operator's past history;• Confidence in the operator's management is high;• The consequences of non-compliance will not pose a significant risk to the safety of the public

<p>Suspension or revocation of a driver's licence</p>	<p>In instances where the Council is satisfied that a driver poses an significant immediate risk to public safety then the Environmental Health Manager has the delegated authority to issue an immediate suspension or revocation to the driver in question by the powers provided by Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.</p>
<p>Suspension or revocation of a vehicle licence</p>	<p>The Council may issue a suspension or revocation of a vehicle licence under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 for any of the following grounds:</p> <ul style="list-style-type: none"> • That the hackney carriage or private hire vehicle is unfit for use; • Any offence under, or non-compliance with, the provisions of the 1847 or 1976 Acts; • Any other reasonable cause. <p>Any decision to suspend or revoke a vehicle licence will be accompanied by notification in the form of a letter to the licence holder.</p> <p>The licence holder can appeal a decision to suspend or revoke a vehicle licence by applying to the Magistrates' Court within 21 days of the decision be made.</p>

Immediate vehicle suspension notice

Under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 an authorised officer can issue a suspension notice to any hackney carriage or private hire vehicle deemed to be 'unfit'.

If the authorised officer is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter, the officer may give notice in writing to require the proprietor of the vehicle to make the vehicle available for further inspection and testing at such reasonable time and place as specified in the notice, and suspend the licence until such time as the officer is satisfied that the vehicle or meter is again fit for purpose. This may involve the affixing of a non-removable 'Licence Suspended' sticker to the licence plate of the vehicle.

The suspension notice will remain in place until such time as the Officer issuing the notice is satisfied that the grounds for suspension have been satisfactorily resolved. Written confirmation of the lifting of the suspension notice will be given. The responsibility for a replacement licence plate will fall to the licence holder.

If the Authorised Officer or constable who issued the suspension notice is not satisfied as to the fitness of the vehicle or its taximeter before the expiration of a period of two months, the licence will, by virtue of the provisions of section 68, be deemed to have been revoked.

Where a licence is deemed to be revoked, the Council will write to the proprietor of the vehicle giving notice of the grounds on which the licence has been revoked within 14 days of the deemed revocation.

The proprietor may appeal to the Magistrates' Court.

Simple cautions	<p>A simple caution may be used as an alternative to a prosecution in certain circumstances.</p> <p>The purposes of the simple caution are to:</p> <ul style="list-style-type: none"> • Deal quickly and simply with less serious offences; • Divert less serious offences away from the Courts; • Reduce the chances of repeat offences <p>To safeguard the suspected offender's interests, the following conditions must be fulfilled before a caution is administered:</p> <ul style="list-style-type: none"> • There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction; • The suspected offender must admit the offence; • The suspected offender must understand the significance of a simple caution and give informed consent to being cautioned. <p>If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria are not satisfied to enable the offer of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a caution).</p> <p>Where a person declines the offer of a simple caution, it will be necessary to consider taking a prosecution.</p>
Prosecution	<p>The decision to prosecute is a significant one as a conviction may impact on the licence holder's future employability. Prosecution will, in general, be appropriate for circumstances where the law is blatantly disregarded, legitimate requirements of the Council are not followed and / or the public is put at serious risk. Such circumstances are in a minority. The criteria on which a decision to prosecute is made should ensure a consistent approach.</p> <p>When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.</p>

<p>Referral to the Licensing Sub-Committee</p>	<p>A licence holder may be asked to appear before the licensing sub-committee to answer allegations of breaches of relevant legislation, byelaws or conditions attached to licences or a contravention of the Council's Hackney Carriage and Private Hire Licensing Policy. Prior to this, the licence holder may be provided with warnings, depending on the seriousness of the complaint or contravention. Section 2 provides a guide to the action that the Licensing & Enforcement team is likely to take in response to these matters.</p> <p>The Licensing Sub-Committee will consider whether, in all the circumstances of the case, including the underlying facts of the incidents, including the incidents on previous occasions, the licence holder is a fit and proper person to hold a licence. The Licensing sub-committee will consider whether there is reasonable cause to suspend or revoke a licence.</p> <p>When considering an application or the standing of a licence holder the Committee may decide to take one or more of the following actions:-</p> <ul style="list-style-type: none"> • no action; • a written warning; • require the production of driving licences or other specified documentation at the Council's Office; • suspend a licence; • revoke a licence; • recommend consideration of prosecution action; • other appropriate action as deemed necessary <p>The Taxi Regulatory Committee Hearings Procedure can be found in Section 3.</p>
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Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

Any written documentation issued or sent will: -

- contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen;
- clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

2. Enforcement Action

2.1 Table of Enforcement Actions

To achieve a stepped approach to enforcement, the Council will generally take the appropriate action when:

- a licence applicant falls under any of the points in the stated enforcement management table
- a licence holder breaches a licence condition
- a licence holder commits an offence
- a complaint is received about the conduct of a licence holder or condition of a vehicle; and
- there is a combination of the above

At any stage in the process, Officers may, if they consider it appropriate to do so, refer a licence applicant or holder to the Licensing Sub-Committee for a decision as to whether the licence holder continues to be a fit and proper person to be granted or to hold a licence.

The below table gives an indication of the likely action that the Council will take. However, each case will be considered individually and, in exceptional circumstances, the Council may deviate from this in order to take the necessary and appropriate enforcement action.

Furthermore, specific consideration will be given to the points relating to licene applicants by the Environmental Health Manager, and subsequently the Licesning Sub-Committee, so that they may exercise their discretion to grant or renew a licence or to suspend or revoke an existing licence.

LEVEL 1 ENFORCEMENT

Number	Detail
i)	A breach of a Licence Condition by a licence holder.
ii)	A road traffic offence by a licence holder witnessed by an Enforcement Officer of Cambridge City Council, Cambridgeshire County Council or Police (e.g. driving whilst using a mobile phone).
iii)	Two complaints of a similar nature in a 12 month period (<i>when a complaint concerning a licence holder is received the complaint will be investigated and the licence holder will be invited to provide comments in writing. The officer will decide whether they consider, on the balance of probabilities, that the complaint is justified</i>) and/ or breaches of the Code of Conduct within a 12 month period.
iv)	Any road traffic offence or combination of offences that resulted in the accrual of penalty points except whether the number of points accrued means that the licence holder falls within Level 3 Enforcement.
v)	The licence holder fails to return a Temporary Medical Exemption Notice to the Licensing and Enforcement Team within 7 days of the expiry date.
vi)	A combination of the above in addition to one complaint received.
ACTION	The individual will be invited to provide a formal response in writing and appropriate action will be taken, which may include an advisory letter to the driver reminding them of expected standards.

LEVEL 2 ENFORCEMENT

Number	Detail
i)	<p>The licence holder has received a simple caution for an offence under</p> <ul style="list-style-type: none"> - Town Police Clauses Act 1847 - Part II of the Local Government (Miscellaneous Provisions) Act 1976 - Part IV of the Transport Act 1980 - Part I of the Health Act 2006 - Chapter 1 of Part 12 of the Equality Act 2010
ii)	<p>A substantiated complaint has been received regarding the conduct of the licence holder (other than an offence) or the condition of a vehicle.</p>
iii)	<p>The licence holder has committed an offence under</p> <ul style="list-style-type: none"> - Town Police Clauses Act 1847 - Part II of the Local Government (Miscellaneous Provisions) Act 1976 - Part IV of the Transport Act 1980 - Part I of the Health Act 2006 - Chapter 1 of Part 12 of the Equality Act 2010 <p>where legal proceedings are not instigated.</p>
iv)	<p>The licence holder breaches two licence conditions or two road traffic offences by the licence holder are witnessed by an Enforcement Officer of Cambridge City Council, Cambridgeshire County Council or the Police (e.g. driving whilst using a mobile telephone), or one of each occurs within a 12 month period.</p>
v)	<p>The licence holder has committed an action covered in Level 1 where they have been written to by an officer of the Licensing & Enforcement Team in the previous 12 month period and reminded of the expected standards.</p>
vii)	<p>The licence holder has committed any offence relating to the Policing and Crime Act 2014.</p>
ACTION	<p>The individual will be interviewed by an officer of the Licensing and Enforcement team and the appropriate action will be taken, which may include a final written warning.</p>

LEVEL 3 ENFORCEMENT

Number	Detail
i)	The licence holder has committed an action covered in Levels 1 and 2 where they have been interviewed by an officer of the Licensing & Enforcement Team in the previous 12 month period and a final written warning has been given.
ii)	The licence holder or licence applicant has been convicted of any offence of a sexual nature which is not spent under the Rehabilitation of Offenders Act 1974.
iii)	The licence holder or licence applicant has been convicted of any offence involving possession, supply of drugs or a related offence which is not spent under the Rehabilitation of Offenders Act 1974.
iv)	The licence holder or licence applicant has been convicted of any offence involving dishonesty which is not spent under the Rehabilitation of Offenders Act 1974.
v)	The licence holder or licence applicant has been convicted of any offence involving violence which is not spent under the Rehabilitation of Offenders Act 1974.
vi)	The licence holder or licence applicant has been convicted within the last 5 years of more than one offence of drunkenness or related.
vii)	The licence applicant has held their DVLA driver's licence for less than 2 years after its return as a result of suspension for any reason.
viii)	The licence holder or licence applicant has been convicted of any offence relating to alcohol and motor vehicles which is not spent under the Rehabilitation of Offenders Act 1974.
ix)	The licence holder or licence applicant has been convicted within the past 3 years of any offence which has resulted in 6 or more points being attached to their DVLA driver's licence.
x)	The licence holder or licence applicant has been convicted within 1 year of any combination of offences which has resulted in more than 6 points being attached to their DVLA driver's licence.
xi)	If at the time of application (for grant, renewal or during the life of an existing licence) the licence holder or licence applicant has more than 9 points attached to their DVLA driver's licence.

xii)	<p>If the licence holder or licence applicant has one or more convictions relating to</p> <ul style="list-style-type: none"> - Town Police Clauses Act 1847 - Part II of the Local Government (Miscellaneous Provisions) Act 1976 - Part IV of the Transport Act 1980 - Part I of the Health Act 2006 - Chapter 1 of Part 12 of the Equality Act 2010 <p>which is not spent under the Rehabilitation of Offenders Act 1974.</p>
xiii)	<p>If the licence holder or licence applicant is found to be living or working in the UK without the required authorisation, or if they have committed any offences arising from Asylum & Immigration matters.</p>
xiv)	<p>If the licence holder or licence applicant fails the initial safeguarding training examination on more than three occasions or fails to complete the refresher training as required by the Council.</p>
xv)	<p>If the licence holder or licence applicant presents a medical assessment (or makes a declaration) for consideration but does not declare them unfit to drive.</p>
xvi)	<p>Upon the application for or the duration of a licence, if there is intelligence, supplementary information or any other reasonable cause where officers have concerns about the grant or the continuation of a licence.</p>
ACTION	<p>The individual will be referred to the Licensing Sub Committee to consider whether the licence holder or licence applicant is a fit and proper person to hold a licence; action that may be taken includes refusal to grant a licence or the revocation, suspension or refusal to renew an existing licence.</p>

3. Taxi Regulatory Committee Hearings Procedure

The purpose of this section is to provide a standardised procedure for hearings of taxi regulatory matters that are considered by the sub-committee. The procedure allows for all parties to exercise their right to a fair hearing.

The City Council, as licensing authority for Hackney Carriage and Private Hire matters within the City of Cambridge, has a responsibility to determine those matters within its jurisdiction. In many cases these will involve one or more of the elements in the Enforcement Management System.

All decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub-Committee with a right of appeal to the Magistrates Court.

In certain circumstances the authority will hold a hearing. It is considered good practice that a recognised procedure is followed and that parties involved in hearings should be advised of that procedure, in advance.

An overview of the procedure is given below:

1.	Information received that raises referral to the Licensing Sub-Committee Initial investigations by Case Officer (CO) including collating of supporting evidence and contact with any complainants for statements.
2.	Interview of applicant/licence holder Individual invited to give statement, recorded by CO and submit any supporting evidence.
3.	Preparation of report Submitted to Licensing and Enforcement Manager and Environmental Health Manager for approval and subsequent review by Legal Services.
4.	Date of hearing confirmed by Committee Services Applicant/ licence holder informed of date of hearing and sent a copy of the report
5.	Taxi Licensing Sub Committee Hearing The case is heard by the Licensing Sub Committee who decide what action, if any, to take.

3.1 Referral to the Licensing Sub Committee

Following investigation and where the LEO considers it appropriate to do so, the LEO will prepare a report for the Sub-Committee setting out the relevant law, Council policy and the powers of the Sub-committee. The LEO will also submit any information obtained as a result of the investigation, the source of that information and any matters in dispute.

The CO will write to the applicant or licence holder, and the witnesses to tell them when and where the Sub-Committee meeting will be held.

Evidence can be given in writing or orally, by the LEO, the applicant or licence holder, or by their witness(es). There are no legal restrictions in terms of the kind of evidence that can be heard or the form in which it must be presented.

The applicant or licence holder can give evidence about her/his character in any way she/he thinks fit, e.g. by letters of reference or by calling witnesses

The CO will send the applicant or licence holder a copy of the report at least 5 working days before the hearing to give her/him the opportunity to comment on it or, if she/he chooses, to submit further written representations or additional evidence.

When presenting the report to the Sub-Committee the LEO will inform the Sub-Committee of any comments, representations or additional evidence submitted by or on behalf of the applicant or licence holder.

At any stage the applicant or licence holder may instruct someone (such as a solicitor, a friend or relative, an employer or a member of a trade organisation) to act as her/his representative. The applicant or licence holder can be represented at the hearing regardless of whether the individual attends the hearing.

If the applicant or licence holder fails to attend the hearing the Sub-Committee may decide to continue in her/his absence.

Any references in this note to an applicant or licence holder should be taken to include her/his representative.

3.3 The Hearing

Present at the hearing will be members of:

Present at the hearing will be members of:

- The Taxi Regulatory Sub-Committee;
- The Case Officer;
- A Legal Officer (who will be the Sub-Committee's legal adviser); and
- A Committee Manager

At the start of the hearing the Chair of the Sub-Committee will open the meeting introduce the members of the committee and officers present and explain the

procedure to be followed.

The committee members will decide whether members of the press and public should be excluded from the remainder of the hearing.

If a member of the Taxi Regulatory Sub-Committee becomes aware of a possible conflict of interest before or during the hearing she/he should raise this with the Head of Legal Services.

Members should not take part in hearing a case if they have a personal interest or involvement with it or the issues raised by it might be seen as affecting their impartiality, e.g. if they know the applicant / licence holder or a complainant, or they have been previously involved with the case or a closely related case in another capacity.

The LEO will outline the report and present any witnesses in support of the CO's case.

Members may ask any relevant questions of the officer or witnesses.

The Chair will invite the applicant / licence holder or her/his representative to ask questions of the Officer or witnesses. The Chair will then invite the applicant / licence holder or a representative to put their case to the committee. This will include calling any witnesses. Witnesses will be allowed into the hearing only when giving their evidence.

Members may ask any relevant questions of the applicant / licence holder and/or her/his witnesses.

When all the evidence has been offered, the Chair will invite all parties to summarise their points if they wish before confirming whether any parties have anything else they wish to say

The Chair will invite the Legal Adviser to the Sub-Committee to give any legal advice that the advisor considers to be appropriate.

The Sub-Committee will withdraw to another room to consider their decision in private. The Sub-committee may invite the Legal Advisor to join them. Any legal advice given to the Sub-Committee when they are withdrawn will be reported back to the hearing before the Chair resumes it.

The Sub-Committee may reconvene the meeting in order to seek clarification of the facts.

When the decision has been made the Chair will announce this to the applicant or licence holder.

3.4 The applicant or licence holder

Following the hearing the Council will write to the driver with formal notification of the decision of the sub-committee and inform the applicant or licence holder of the right of appeal to the Magistrates Court and the time within which appeals must be submitted.

A suspension or revocation of a licence will take effect at the end of the period of 21 days beginning with the day on which written notice of the Sub-Committee decision was given to the licence holder. The only exception to this is in the case of the suspension or revocation of a Driver Licence where the Sub-Committee have decided that the interest of public safety require the suspension or revocation to have immediate effect. The letter notifying the driver of the Sub-Committee's decision will include a statement that this is so and an explanation why. The suspension will then take effect when the letter notifying the decision is given to the driver.

In urgent cases, the Environmental Health Manager has delegated power to suspend or revoke a driver or vehicle licence.

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Hackney Carriage and Private Hire Licensing Policy Consultation Responses
Received

Date Received	Comments
18 July 2016	<p>“The policy document should include reference under sustainability to requiring taxi drivers to switch off engines when stationary. Some drivers are caring and do turn off their vehicles when stationary. Some drivers leave engines running outside domestic premises and at taxi stands.</p> <p>Ability to understand and speak English. Taxi drivers must be able to understand requests made by passengers and be able to converse in English to advise fares etc.”</p>
19 July 2016	“No issues from CCTV”
28 July 2016	“I am very happy with the taxi card service, it is very handy and I am not sure what I would do without it”
29 July 2016	“Having the taxi card is a god send, the taxis I use are extremely helpful. The drivers help me in and out of the car and wait for me when I need them to. The taxi card helps keep the cost of the fares down for me”
1 August 2016	“Overall the taxi card service works but there are more occasions’ than not when drivers have refused to take me as I am a taxi card user. I have also been charged extra due to being in a wheelchair”
4 August 2016	“I am 77 years old and disabled with osteoarthritis in my knees. I use a taxi every time I go out as I cannot walk too far. I always use the same firm as they are very good to me”
15 August 2016	<p>“There should be a difference between licence fees for a Hackney Carriage and a Private Hire Vehicle as Private Hire Vehicle drivers only have one way of getting work.</p> <p>Wheelchair accessible vehicles should be monitored more stringently as there are a lot of drivers who don’t do the wheelchair jobs, they just want the vehicles for multi passenger jobs.</p>

	<p>Enforcing council policy about when cleared a job should drive back to the nearest taxi rank and not park up outside of Cambridge waiting for work.</p> <p>Enforcing policy about picking up from outside the City boundary i.e. only booked jobs coming through a company not as some of them do take private bookings from places like Granta Park, Cherry Hinton Hall, Cambourne”</p>
<p>18 August 2016</p>	<p>“In the preface (page 6) of https://www.cambridge.gov.uk/sites/default/files/taxi-licensing-handbook.pdf there is no mention that Cambridge is also almost unique in the large number of cyclists on its roads.</p> <p>Page 6 of https://www.cambridge.gov.uk/sites/default/files/taxi-licensing-policy.pdf mentions "The protection of children and adults at risk from harm:" I assume this extends to those both within the taxi and also without, but affected by the presence of the taxi?</p> <p>As a regular cycle commuter across Cambridge, who has witnessed some appalling standards of driving and stopping from a minority of taxi drivers, I find it somewhat disappointing that no mention is made of behaviour to other road users of all classes and categories by these professional drivers, who should be driving to a higher standard than that which might be expected of the ordinary motorist, especially given the large number of cyclists on Cambridge's roads.</p> <p>Taxis are privileged as they are allowed in areas of the city from which ordinary motorists are prohibited. These areas are often disproportionately busy with cyclists and pedestrians as they are quieter than other roads. They should never feel threatened and that they should not be using these roads by the behaviour of taxi drivers. An example might be Sidney Street, where there is clearly no space to safely overtake a cyclist and one might argue that cycling pace is the safe speed for a motor vehicle to proceed along such a busy street where there are pedestrians doing entirely random things.</p> <p>I would recommend an extension of the licensing proficiency requirements:</p> <p>All new drivers of taxis and private hire vehicles should be required to complete a JAUPT approved, certified Safe Urban Driving course.</p> <p>If a driver is identified in a complaint, and if Licensing and Enforcement is reasonably confident that the complaint is not spurious yet not serious enough to warrant confiscation of</p>

	<p>license then that driver should at least be required to complete a Safe Urban Driving course within six weeks or else lose his or her license.</p> <p>In addition to the DVSA taxi driving assessment test, Licensing and Enforcement should administer a knowledge test about the sections of the Highway Code relevant to driving in the presence of people cycling and walking.</p> <p>Such rules as 163, 170, 173, 178, 182, 187, 192, 198, 204-225, 239, 240 and 244, all of which I regularly see being broken by taxi drivers, spring to mind. I expect professional drivers to follow these Highway Code rules but they need to be properly aware of them in the first place, and thus tested on them.</p> <p>It is a sad fact that I am very reluctant to pay to use a taxi in Cambridge, even when it would be extremely useful and convenient, as I do not wish to have to get into a possible row with the driver, if the driver of the car in which I am a paying passenger is ignoring these rules.”</p>
<p>19 August 2016</p>	<p>“Thank you for the opportunity to offer comments on the revised taxi licensing policy. We believe that this is an opportunity to improve the taxi and private hire policy to more closely match Cambridge’s unique character. Cambridge is different from many other cities because it has the highest level of cycle riding per capita in the country. Therefore it is important that motor vehicle drivers understand how to conduct themselves safely and lawfully in the presence of people cycling and walking. Ideally, the professional drivers of taxi and private hire vehicles should be trained to the highest standards and should set the example for other drivers. In practice, many of our members have observed dangerous driving, poor behaviour in the vicinity of people cycling, and an alarming lack of knowledge from a noticeable minority of drivers.</p> <p>Access to some parts of Cambridge are restricted to certain types of vehicles, including taxis, a benefit that taxi operators receive over other drivers. Along with this advantage it must be appreciated that these restricted areas have more walking and cycling, due to their quieter roads, and their central location. This increases the exposure of taxi drivers to people walking and cycling.</p> <p>In that light, we submit the recommendation that the Taxi and Private Hire licensing proficiency requirement be extended in the following ways:</p> <p>_ All new drivers of taxis and private hire vehicles should be required to complete a JAUPT approved, certified Safe Urban Driving course. Those courses are now available in Cambridge, and are specifically designed to increase awareness of vulnerable road users</p> <p>_ If a driver is identified in a complaint, and if Licensing and Enforcement is reasonably confident that the complaint is not spurious — yet not serious enough to warrant confiscation of licence — then</p>

	<p>that driver should at least be required to complete a Safe Urban Driving course within six weeks or else lose his or her licence.</p> <p>_ In addition to the DVSA taxi driving assessment test, Licensing and Enforcement should administer a knowledge test about the sections of the Highway Code relevant to driving in the presence of people cycling and walking. In particular, we would like to highlight the following rules that are especially important to the safety of people cycling and walking:</p> <ul style="list-style-type: none"> - <i>Rule 163: When passing, give vulnerable road users at least as much space as you would a car.</i> - <i>Rule 170: Give way to people walking who have started to cross.</i> - <i>Rule 173: Assess your vehicle's length and do not obstruct traffic.</i> - <i>Rule 178: Do not unnecessarily encroach on the cycle waiting area.</i> - <i>Rule 182: Do not cut in on people cycling.</i> - <i>Rule 187: In a roundabout, watch out for and give plenty of room to people walking and cycling.</i> - <i>Rule 192: Keep the pedestrian and/or cycle crossing clear.</i> - <i>Rule 198: Give way to anyone still crossing after the signal for vehicles has changed to green.</i> - <i>Rules 204 to 225: Road users requiring extra care.</i> - <i>Rule 239: Check before opening your door.</i> - <i>Rule 240: You MUST NOT stop or park on a pedestrian crossing, a cycle lane, or a cycle track.</i> - <i>Rule 244: You should not park on the pavement.</i> <p>And, broadly speaking, an awareness by drivers that it is not compulsory for people cycling to use cycle facilities, and that Bikeability teaches people to take appropriate road positioning, which can include cycling in the middle of the traffic lane.</p> <p>_ All drivers should be required to learn about any new and relevant regulations, such as those for the parallel cycle and pedestrian Zebra crossings that are being installed now in Cambridge.</p> <p>We would be happy to follow up on any of these suggestions, if assistance is needed, please feel free to contact the campaign."</p>
<p>19 August 2016</p>	<p>"I'm a City resident (details below) who drives, cycles, and occasionally uses taxis.</p> <p>The CTC say that Cambridge has "a higher rate [of cycling] than any other local authority". The "Code of Conduct" and "Licensing Policy" have only one mention of cycles, cycling or cyclists. On page 157 of the handbook drivers are asked to give cyclists as much room as they give cars. That's an existing highway code rule - there are rather more rules which are relevant to cyclists which don't appear here.</p> <p>The "consultation" document has no reference to cycling, which is perhaps the most notable feature of Cambridge City traffic</p> <p>The standard of taxi driving in Cambridge often falls far below the law, and is significantly worse than for example London. That may be</p>

	<p>because these policy documents disregard the major notable feature of Cambridge City traffic: cyclists.</p> <p>These documents need significant revision, specifically:</p> <ol style="list-style-type: none"> 1. The licensing process should ensure that drivers are educated on how to behave courteously within the law in relation to City cyclists. This includes training on the acceptance of cyclists and cycles as a feature of City roads, and compliance with all road traffic law. 2. An enhanced complaint process. If a driver breaks the law and endangers City cyclists and there is evidence of this, the Council policy should provide a mechanism to ensure that does not continue. As licensee of a "time is money" business the council is in a very strong position to insist that the drivers you license behave within the law and in a decent manner towards City cyclists. The policy should describe how you will do this. I note that the equivalent complaint processes in London appear to be significantly more stringent, which perhaps explains the significantly better behaviour of London cabbies."

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CAMBRIDGE CITY COUNCIL

REPORT OF: Yvonne O'Donnell
Environmental Health Manager

TO: Licensing Committee

17 October 2016

WARDS: All

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

1 INTRODUCTION

- 1.1 Cambridge City Council has responsibility for licensing Hackney carriage, Private Hire and Dual Drivers, proprietors and operators within the City.
- 1.2 The policy is intended to ensure that both the trade and the public have a document that fully explains the licensing procedures to all parties in a clear and transparent manner.
- 1.3 The Council shall seek to promote the following objectives that impact on the Hackney Carriage and Private Hire trades:
 - i) The protection of the public;
 - ii) The establishment of professional and respected hackney carriage and private hire trades;
 - iii) Access to an efficient and effective public transport service; and
 - iv) The protection of the environment
- 1.4 The policy provides the Council, and Council Officers who are required to administer the licensing function, with appropriate guidelines within which to act. In exercising its discretion in carrying out its regulatory functions, the Council shall have regard to the Hackney Carriage and Private Hire Licensing policy document.
- 1.5 The current policy has been in effect since 24th October 2011 and, as stated within the policy, will remain effective for a maximum period of five years.

- 1.6 Over the five years the policy has been updated when there have been changes in policy and procedure which has been approved by Licensing Committee.
- 1.7 On 18 July 2016, the Licensing Committee considered the draft policy (Appendix A) and resolved to approve the consultation of the draft policy and process in order to adopt a final Hackney Carriage and Private Hire Licensing Policy.
- 1.8 In particular the following areas of the policy have been highlighted, considered in depth, reviewed and specifically consulted upon:
- i) Accessibility & Disability Awareness
 - ii) Code of Conduct
 - iii) Driver Safety
 - iv) DBS Update Service
 - v) Medicals
 - vi) Eligibility to live & work in the UK in accordance with the Immigration, Asylum & Nationality Act 2006
 - vii) Enforcement Management System
 - viii) Environmental Considerations
 - ix) General Administration (such as notification of change of details etc.)
 - x) Grounds for Disbarment
 - xi) Online Applications
 - xii) Safeguarding Training (including fees)
 - xiii) The Taxi Guide
 - xiv) Vehicle Standards
- 1.9 Throughout the redrafted policy reference is made to the “Hackney Carriage and Private Hire Handbook” (formerly referred to as the “Taxi Guide”). This is an operational guide which outlines the processes associated with the administration and enforcement of the Licences and is subject to amendment by the Environmental Health Manager.
- 1.10 In line with the redraft of the policy, the “Hackney Carriage and Private Hire Handbook” has been revised and can be found at Appendix B.
- 1.11 The draft policy was subject to a public consultation from 18th July 2016 until 22 August 2016. The consultation paper which accompanied the Draft Policy and Handbook can be found at Appendix C.
- 1.12 The consultation responses are contained in the table attached as Appendix D to the report. All comments have been carefully considered, by the Licensing & Enforcement Team and the

Environmental Health Manager, and incorporated where appropriate. The table of consultation responses indicates which comments have been incorporated in to the redrafted policy and which have not.

- 1.13 In addition to the Consultation document which was published, Vaping in Vehicles has been considered within the proposed policy and it is detailed in section 30 that in addition to the driver of a licensed vehicle not being permitted to smoke in the vehicle, or granting permission to any other person or fare paying passenger to do so, “this also includes a ban in electronic inhaler type cigarettes and vaping”.
- 1.14 Furthermore, the Grounds for Disbarment and Enforcement Management System have been considered and reviewed as part of the consultation and the two sections have been amalgamated for ease of reference in Appendix D of the proposed Hackney Carriage and Private Hire Handbook.
- 1.15 Finally, since the close of the Consultation, the Driver & Vehicle Standards Agency (DVSA) have announced that they will be withdrawing the Hackney Carriage & Private Hire Vehicle Assessment from 31st December 2016. Cambridge City Council requires this additional assessment as part of the application process for new drivers. Therefore, the proposed policy has been amended at section 40 to state that an additional driving assessment will be required, but this does not dictate by which body.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 Members adopt the draft policy attached as Appendix E to the report as Cambridge City Council’s Hackney Carriage and Private Hire Licensing Policy with immediate effect.
- 2.2 Members note the contents of the “Hackney Carriage and Private Hire Handbook” (Appendix F) and agree that this is adopted as an operational guide to the policy with immediate effect.
- 2.3 Exceptions to the changes with immediate effect are detailed in the implementation plan below:

Area	Implementation Date									
<p>Mandatory attendance at Accessibility & Equality Training as part of the application for new drivers.</p>	<p>The training will be encompassed with the Safeguarding Training for all new and existing licence holders.</p> <p>Existing licence holders will take place from November 2016.</p> <p>New licence applicants will take place from April 2017.</p>									
<p>Environmental Considerations for consideration which detail potential measures to facilitate the uptake of low emission taxis in Cambridge:</p> <table border="1" data-bbox="268 728 853 1344"> <tr> <td data-bbox="268 728 853 806">1. Renewal / Registration fee discount or exemption.</td> </tr> <tr> <td data-bbox="268 806 853 884">2. Waive or extend age limit for ULEVs or Hybrids.</td> </tr> <tr> <td data-bbox="268 884 853 952">3. Waive requirement for 6 month inspection</td> </tr> <tr> <td data-bbox="268 952 853 1008">4. Create an Electric Taxi only rank</td> </tr> <tr> <td data-bbox="268 1008 853 1086">5. Vehicle Purchase Subsidies for Electric vehicles</td> </tr> <tr> <td data-bbox="268 1086 853 1176">6. Provision of 'Rapid - Taxi Only' charging infrastructure</td> </tr> <tr> <td data-bbox="268 1176 853 1232">7. Set date for all newly registered vehicles to be low or ultra-low emission</td> </tr> <tr> <td data-bbox="268 1232 853 1288">8. Set date for all licensed taxi vehicles to be low or ultra-low emission</td> </tr> <tr> <td data-bbox="268 1288 853 1344">9. Restrict City Centre Access to ULEV and Hybrid Taxis only</td> </tr> </table>	1. Renewal / Registration fee discount or exemption.	2. Waive or extend age limit for ULEVs or Hybrids.	3. Waive requirement for 6 month inspection	4. Create an Electric Taxi only rank	5. Vehicle Purchase Subsidies for Electric vehicles	6. Provision of 'Rapid - Taxi Only' charging infrastructure	7. Set date for all newly registered vehicles to be low or ultra-low emission	8. Set date for all licensed taxi vehicles to be low or ultra-low emission	9. Restrict City Centre Access to ULEV and Hybrid Taxis only	<p>The points detailed are for agreement in principle with a view to implementation once funding has been agreed by OLEV (Office for Low Emission Vehicles).</p>
1. Renewal / Registration fee discount or exemption.										
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<p>DVSA Driving Test</p>	<p>In light of the changes from the Driver & Vehicle Standards Agency, an implementation date of January 2017 will be from when an alternative driving assessment method will be implemented by the City Council.</p>									

3. BACKGROUND

3.1 The Department for Transport (DfT) first issued its Best Practice Guidance in October 2006, and updated it in March 2010. The guidance is not statutory; however the document is intended to assist licensing authorities. Paragraph 4 of the guidance states that 'it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations'.

- 3.2 The current Hackney Carriage and Private Hire Licensing Policy was adopted by the Licensing Committee on 24th October 2011 and, as stated in the policy, remains effective for a maximum period of five years.
- 3.3 The redrafted policy sets out the policy that Cambridge City Council will apply when making decisions about new applications and licences currently in force. It is intended to ensure that both the trade and the public have a document which fully explains the licensing procedures to all parties in a clear and transparent manner. On coming into effect, the policy will override and supersede current policy and guidance in relation to Hackney Carriage and Private Hire Licensing.
- 3.4 The policy will be effective for a maximum of 5 years but will be kept under constant review.

4. CONSULTATION

- 4.1 Consultation on the draft policy and handbook took place from 18th July 2016 until 22nd August 2016.
- 4.2 The consultation was undertaken through a variety of means including letters to the trade and key stakeholders, via the Taxi Newsletter, at the Trade Forum and as also be published on our website and social media.
- 4.3 Feedback was encouraged and all comments have been considered as part of the review and in preparation of the final policy document.
- 4.4 10 responses were received during the consultation period and these are shown at Appendix D.

5. CONCLUSIONS

- 5.1 The Licensing Committee and the Licensing & Enforcement Team have a responsibility to ensure that the policies and procedures which are in place are robust enough to ensure that only fit and proper persons hold a licence and that the Council supports the licensed hackney carriage and private hire trade in protecting the public.
- 5.2 The Hackney Carriage and Private Hire Licensing Policy is designed to put the Council's licensing requirements into practice and in order to deliver a transparent, accountable and efficient licensing service, the Council welcomes the opportunity to consult and review the existing policy.

5.3 The adoption of the revised policy for Hackney Carriage and Private Hire Licensing will clearly show how Cambridge City Council will carry out its statutory obligations in the administration and enforcement of these authorisations.

6. IMPLICATIONS

(a) Financial Implications

Provision is made in the council's budget for the taxi licensing service, which is run on cost recovery basis. The cost of the consultation will form a part of the administration function.

(b) Staffing Implications

Existing staff resources will absorb the consultation and review of the policy, along with any changes arising from the review.

(c) Equal Opportunities Implications

An Equality Impact Assessment has been undertaken on the draft policy and handbook. This can be found at Appendix G.

(d) Environmental Implications

Introducing an electric and hybrid vehicle fleet will have a positive impact on Air Quality in the City.

(e) Procurement

Nil.

(f) Consultation and communication

There has been a formal consultation on the Hackney Carriage and Private Hire Licensing Policy with the trade and other key stakeholders.

(g) Community Safety

Cambridge City Council has a duty to provide a safe and secure taxi service. The failure of the Council to review, consult and publish the Hackney Carriage and Private Hire Licensing Policy on a regular basis, or should it be believed that the Authority's policy is not sound, it may result in a Judicial review being brought against the Council.

APPENDICES

Appendix A: Draft (Consultation) Hackney Carriage and Private Hire Licensing Policy

- Appendix B: Draft (Consultation) Hackney Carriage and Private Hire Licensing Handbook
- Appendix C: Consultation Paper
- Appendix D: Consultation Responses Received including Actions
- Appendix E: Proposed Hackney Carriage and Private Hire Policy
- Appendix F: Proposed Hackney Carriage and Private Hire Handbook
- Appendix G: Equality Impact Assessment

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Cambridge City Council Taxi Guide

Department for Transport (DfT) Taxi and Private Hire Vehicle Licensing Best Practice Guidance 2010

The Highway Code

To inspect these documents contact Victoria Jameson on extension 8516.

The author and contact officer for queries on the report is Victoria Jameson on extension 8516.

Date originated: 03 October 2016
Date of last revision: 03 October 2016

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Cambridge City Council

Hackney Carriage and Private Hire Licensing Policy

October 2016

Hackney Carriage and Private Hire Licensing Policy

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PART 1

INTRODUCTION

DRAFT

1.0 SUMMARY

- 1.1 This document sets out Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy on the licensing of Hackney Carriage and Private Hire Drivers and Vehicles together with all Private Hire Operators. This document also sets out the legislative framework administered by the Licensing Authority in respect of such licences, however this Policy is not a comprehensive statement of the law.
- 1.2 This Hackney Carriage and Private Hire Vehicle Licensing Policy must reflect the clear vision of the Council to lead a united city, 'One Cambridge – Fair For All', in which economic dynamism and prosperity are combined with social justice and equality. It is a vision that the Council will share and develop, working with its citizens and partner organisations.
- 1.3 Hackney Carriage and Private Hire Vehicles play a vital and integral part in an integrated public transport system and the importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Cambridge's local economy is recognized; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Policy.
- 1.4 This Hackney Carriage and Private Hire Licensing policy is intended to put the Council's licensing requirements into context for all parties in a clear and transparent manner.

2.0 AIMS AND OBJECTIVES

- 2.1 In setting out this policy, the Licensing Authority seeks to carry out its licensing functions with a view to promoting the following objectives:
 - i) The safety and protection of the public;
 - ii) Vehicle safety, comfort and access;
 - iii) The prevention of crime and disorder;
 - iv) The promotion of environmental sustainability
 - v) Protection of children and adults at risk from harm
- 2.2 The aim of the Policy is primarily to protect the public as well as to ensure that the public have reasonable access to services. The Licensing Authority shall seek to use its licensing powers to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.
- 2.3 As a guide, in the promotion of the above objectives, the Licensing Authority will consider the following matters:

Safety and protection of the public:

- Consideration of history of convictions and cautions
- Driver conduct and performance
- Knowledge of Cambridge City
- Health and fitness to fulfil the role of a licensed driver
- Vehicle specifications

Vehicle safety, comfort and access:

- Standards of vehicle comfort and appearance

- Location and use of ranks
- Accessibility of facilities
- Number of vehicles available
- Livery

The prevention of crime and disorder:

- Commitment to work with the Police and other relevant agencies
- Planned and unplanned enforcement programme to ensure compliance
- Operating rules, conditions, byelaws and fit and proper processes
- Support with local businesses for the dispersal of customers from licensed premises

The promotion of environmental sustainability:

- To investigate alternative technology, hybrid and electric vehicles
- To only permit licenses for vehicles that comply with the particular Euro requirements set out in this policy
- To work with stakeholders and the trade to support the Air Quality Action Plan

The protection of children and adults at risk from harm:

- Safeguarding requirements as set down in this policy
- Co-operation with other agencies to protect children and adults at risk
- Training to cover awareness of Safeguarding
- A robust reporting mechanism for Safeguarding issues
- Determination of fit and proper persons

2.4 The Policy recognizes that the licensing function is only one means of securing the delivery of the above objectives. The Licensing Authority will therefore continue to work in partnership with the trade, its neighbouring authorities, the Police, other enforcement agencies, local businesses and local people towards the promotion of the licensing objectives.

2.5 Each application or enforcement measure shall be considered on its own merits, using the policy as a main guideline. Where, and if, it is necessary for the Licensing Authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.

2.6 This Policy refers to guidance that is available to applicants, drivers and operators to assist them with processes. This guidance is known as the Hackney Carriage and Private Hire Licensing Handbook.

3.0 POWERS AND DUTIES

3.1 This statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended) which place duties on the Council to carry out its licensing function.

3.2 This document sets out the policy that the Licensing Authority will apply when making decisions about new applications and licences currently in force.

3.3 In undertaking its licensing function, the Licensing Authority will also have regard to other relevant legislation including:

- i) Transport Act 1985 and other associated Road Traffic Acts
- ii) Road Vehicles (Constructions and Use) Regulations 1986.
- iii) Crime and Disorder Act 1998
- iv) Environmental Protection Act 1990
- v) Equality Act 2010
- vi) Health Act 2006 and Smoke-free Regulations 2006/7
- vii) Legislative and Regulatory Reform Act 2006
- viii) Road Safety Act 2006
- x) Human Rights Act 1998

4.0 BEST PRACTICE GUIDANCE

- 4.1 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. In formulating this policy, advice contained in the "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010" has been taken into account in order to develop this policy.
- 4.2 There is recognition within the Guidance that licensing requirements which are unduly stringent and demonstrate a too restrictive approach may be detrimental to the public interest and could have adverse safety implications.
- 4.3 Local circumstances and requirements have been taken into account in this policy and the DfT itself recognizes that individual Councils are best placed to "*decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes*"

5.0 STATUS

- 5.1 In exercising its discretion in carrying out its regulatory functions, the Authority shall have regard to this policy document and the objectives set out above.
- 5.2 Notwithstanding the existence of this policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.
- 5.3 Nothing in this policy will prevent an applicant or licence holder from requesting that the Licensing Authority considers the individual merits of their case and give reasonable consideration to departing from its policy. Such request may be made to, or before, the Licensing Sub-Committee or Council Officers as deemed appropriate in the circumstances of the case.
- 5.4 This policy will provide the Licensing Authority and Council Officers who are required to administer the licensing function with appropriate guidelines within which to act.
- 5.5 Where applications do not meet the requirements of the policy the Environmental Health Manager has the delegated authority to refuse to grant a licence, refuse to renew a licence or to revoke or suspend an existing licence.
- 5.6 The policy shall be kept under review and revised as appropriate and, in any event, not less than five years from the date of its last adoption.

- 5.7 The policy does not override the legal requirements embodied in any legislation in force at the time of adoption or as may be enacted after the adoption of this policy.

6.0 THE LICENSING REGIME

6.1 Some activities are considered to be of such risk to the safety of members of the public that the law requires an approval to be in place, in the form of a licence, to regulate that activity. This is the case with the Hackney Carriage and Private Hire trade who make themselves available for hire to transport members of the public to their chosen destination in return for reward.

6.2 The legislation creates three types of licence:

- i) Vehicles (Hackney Carriage & Private Hire)
- ii) Drivers (Hackney Carriage, Private Hire & Dual Licences)
- iii) Operators (Private Hire only)

6.3 A journey not carried out in accordance with the correct licences is not only illegal; it is like to invalidate the insurance held by the driver, vehicle proprietor and operator and could have serious consequences should an accident occur.

7.0 IMPLEMENTATION

7.1 This policy shall take effect from 17th October 2016 and will override and supersede all existing Council policy and guidance in relation to Hackney Carriage and Private Hire Licensing. The Authority expects all licence holders to comply with its terms immediately, but it is acknowledged that certain provisions may place financial obligations on existing licence holders and accordingly the Authority is prepared to permit a transitional period, during which time necessary changes must be made.

7.2 The policy will remain effective for a maximum period of 5 years but the Authority will keep the policy under review and will consult where appropriate on proposed revisions, to reflect changes in case law and legislation. The Licensing Committee may make any amendments to the policy.

7.3 References are made in this policy to the "Hackney Carriage & Private Hire Handbook". This is an operational guide that outlines the processes associated with the administration and enforcement of the Licences and is subject to amendment by the Environmental Health Manager.

8.0 PRINCIPLES, PROCESS, DELEGATION AND DECISIONS

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

8.2 The Council has delegated its Licensing function to the Council's Licensing Committee and further delegated authority to the Licensing Sub-Committee and to Officers of the Council who will determine applications and licensing decisions in

accordance with this Policy.

- 8.3 Whilst officers and the relevant committees/ panel will, in the majority of cases, follow the Policy, there may be specific circumstances that require a departure from the Policy. In such circumstances, the reasons for departing from the Policy will be made clear.
- 8.4 The Licensing Sub-Committee is made up of a selection of Members from the Licensing Committee. Three Members will sit on hearings to deal with new applications, renewals and reviews of licences that are referred directly by officers. Members, when determining applications for a licence, renewals or reviews of a licence, will have regard to Hackney Carriage and Private Hire legislation, this Policy and any other relevant legislation, legal case law and other relevant Council policies.
- 8.5 The Licensing Authority has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions.
- 8.6 Any decision to refuse to grant, refuse to renew or suspend an application or any decision relating to this Policy will be determined by Officers through the scheme of delegation. The applicant will have a right of appeal to the Magistrates Court.
- 8.7 All decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub-Committee with a right of appeal to the Magistrates Court.
- 8.8 Following the determination of an application by the Licensing Authority, the applicant will receive a copy of the decision in writing. The written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.
- 8.9 Parties aggrieved by a decision of the Licensing Authority have a right of appeal. This must be lodged with the relevant Court in accordance with the relevant statutory provisions.

9.0 FEES

- 9.1 There is a statutory power for the Licensing Authority to charge fees associated with the Hackney and Private Hire licensing regime. The fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing Hackney Carriage stands and administering the regulation of and enforcement work in relation to the Hackney Carriages and Private Hire trades.
- 9.2 The appropriate fee should accompany any application or renewal made.
- 9.3 Licences surrendered prior to their expiry, or licenses that are suspended or revoked shall not be eligible for a refund.

10.0 LICENSING PROFILE

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

booked in advance by customers through an operator and may not ply for hire in the street.

- 10.3 Vehicles that are required by an applicant to carry more than 8 passengers for hire and reward fall outside the legislation governing Hackney Carriages and Private Hire vehicles and require a public service vehicle licence. The Licensing Authority has no involvement in the licensing of these vehicles.

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PART 2
VEHICLES

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11.0 LIMITATION OF VEHICLE NUMBERS

- 11.1 The current legal provision on quantity restrictions for Hackney Carriages is set out in section 16 of the Transport Act 1985. This provides that the grant of a Hackney Carriage Licence may be refused, for the purpose of licensed Hackney Carriages “if, but only if, the local authority is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet”
- 11.2 The Licensing Authority has undertaken a demand survey which concluded that there is no significant demand for Hackney Carriages that is unmet. Therefore, it has applied a limit of Hackney Carriage Vehicles as of 26th January 2015 for a period of three years.
- 11.3 Any limit imposed by the Licensing Authority will be subject to the requirements of Part 12 of the Equality Act 2010 and any associated Regulations such that the proportion of the taxi fleet that is accessible to a disabled person complies with any requirement that may be set by Regulations.
- 11.4 There are no powers for licensing authorities to limit the number of Private Hire Vehicles.

12.0 DEFINITIONS, SPECIFICATIONS AND CONDITIONS

- 12.1 The main difference between Hackney Carriages and Private Hire vehicles is that Hackney Carriages can be hailed in a public street or hired from a taxi rank.
- 12.2 Private Hire vehicles must be pre-booked in advance through a licensed Private Hire Operator and are not permitted to wait on a rank or be booked directly from a public street.
- 12.3 Should a Private Hire vehicle driver accept a fare which has not been pre-booked through an Operator, he is committing an offence and, if caught, will be subject to relevant enforcement action by the Licensing Authority.
- 12.4 Anyone being conveyed in a Private Hire vehicle which has not been pre-booked will not be covered by the drivers insurance.
- 12.5 Local Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as Hackney Carriage or Private Hire Vehicles.
- 12.6 Government guidance suggests that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Licensing Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice that can be shown to meet basic criteria. In that way, emerging designs for vehicles can be taken into account.
- 12.7 Licensing Authorities are asked to be particularly cautious about specifying only purpose-built Hackney Carriages, with the strict constraint on supply that implies. There are at present only a small number of designs of purpose-built Hackney Carriages. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.

- 12.8 The Licensing Authority will only license a vehicle as a Hackney Carriage or a Private Hire Vehicle if it complies with European Whole Vehicle (M1) type approval, M1 Low Volume Type Approval or UK National Small Series Type Approval and Individual Vehicle Approval (IVA).
- 12.9 A vehicle will only be licensed as a Private Hire vehicle if it is not of an appearance or design that is considered likely to lead the public to think it is a licensed Hackney Carriage vehicle.
- 12.10 The Licensing Authority is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a Hackney Carriage or Private Hire vehicle licence. Hackney Carriages and Private Hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous.
- 12.11 This will also apply to Private Hire vehicles unless they are treated as a “special vehicle”.
- 12.12 The ‘Hackney Carriage and Private Hire Handbook’ sets out the specification and minimum standards in respect of Hackney Carriages and minimum standards for Private Hire Vehicles. All vehicles presented to the Licensing Authority for licensing and all vehicles whilst licensed must comply with the Authority’s current Hackney Carriage and Private Hire policy, handbook and vehicle testing standards specification.
- 12.13 The Licensing Authority reserves the right to carry out or require any form of test, examination or assessment as it sees fit to determine the suitability of a vehicle for licensing or to remain a licensed vehicle.

13.0 FARES

- 13.1 Hackney Carriage drivers may only charge their passengers such fare as is set by the Licensing Authority and published by it in its table of fares. The charges levied by Private Hire operators and drivers are not subject to the Authority’s control and form a private contract between the hirer and the operator.
- 13.2 The Licensing Authority is able to review the Hackney Carriage Table of Fares (“the tariff”) annually.
- 13.3 A table of authorised fares shall be provided to each Hackney Carriage Licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.
- 13.4 The Licensing Authority is unable to set fares for Private Hire Vehicles.

14.0 METERS

- 14.1 The meter will be calendar controlled to the current tariff as set by the Licensing Authority.
- 14.2 The taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is compliant. The certificate issues must be available for inspection on the vehicle. Seals must be intact at any time that the vehicle carries a Licence plate except when at an approved installers premises.

14.3 Meters are required to meet the Public Carriage Office Specification

15.0 ACCESSIBILITY AND EQUALITY

15.1 Cambridge City Council has a specific Hackney Carriage and Private Hire Disability Access Statement which can be found in the Hackney Carriage and Private Hire Handbook.

15.2 All new drivers must attend Accessibility & Equality Training as part of the application process.

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

15.4 All new Hackney Carriages must be wheelchair accessible vehicles. The Authority will apply any specification for such vehicles as may be provided by Regulations under the Equality Act 2010 and these will be detailed in the "Hackney Carriage and Private Hire Handbook". There is not the same requirement for private hire vehicles to be wheelchair accessible.

15.5 As Hackney Carriages pick up passengers from ranks and the road side, all new licensed Hackney Carriages must be side loading, the Licensing Authority will not licence rear loading wheelchair accessible vehicles.

15.6 Hackney Carriage licence plates numbered 1 to 121 retain protected "grandfather rights" to use saloon style vehicles.

15.7 The Equality Act 2010 places certain duties on licensed drivers to provide assistance to people in wheelchairs and to carry them safely. There are similar requirements on drivers in relation to the treatment of passengers with an assistance dog. Neither drivers nor operators of licensed vehicles can make any extra charge or refuse to carry such passengers.

15.8 Licensed drivers who are unable to carry out the duties imposed upon them under the Equality Act 2010 may apply to the Licensing Authority for an exemption certificate from those duties. The Council must issue an exemption certificate to that licensed driver if they are satisfied that it is appropriate to do so on medical grounds. It is the driver's responsibility to apply to the Council for such an exemption and to satisfy the Licensing Authority at his or her own cost of the medical grounds. A driver has no defence against these offences even if a medical ground or other physical condition exists, if he has not been issued an exemption certificate.

15.9 It is arguable that different accessibility considerations should apply between Hackney Carriage and Private Hire vehicles in that Hackney Carriages can be hired directly in the street or at a Hackney Carriage stand ("taxi rank"), by the customer dealing directly with a licensed driver. However, Private Hire vehicles can only be booked through a licensed Private Hire operator, normally by telephone or by visiting the Private Hire operator office. It is therefore considered particularly vital that an individual with accessibility requirements should be able to hire a Hackney Carriage on the spot with the minimum delay or inconvenience, and requiring that all new Hackney Carriages are

accessible assists in achieving that aim.

- 15.10 It is important that vehicle drivers, proprietors and operators ensure that licensed drivers carry all passengers in safety and comfort, and that they do not allow wheelchair passengers to travel sideways in their wheelchair. Therefore
- 15.11 Drivers should be appropriately trained in the use of relevant belts and other restraint locking mechanisms to ensure the safety of their passengers. It is the drivers responsibility to ensure that they understand fully how to use the equipment.

16.0 VEHICLE TESTING

- 16.1 The Licensing Authority must be satisfied that vehicles which are licensed by them are safe to operate within its area.
- 16.2 The DfT guidance recognizes that an annual MOT test for licensed vehicles of whatever age is necessary. No vehicle may be used as a Hackney Carriage or Private Hire vehicle unless it has been given a certificate of compliance in respect of a satisfactory test from the approved testing station, and has been appropriately licensed by the Authority.
- 16.3 Vehicle testing is carried out twice yearly, the Hackney Carriage and Private Hire Handbook sets out the specification and standards for vehicle testing and compliance. In addition to this, the Authority will adhere to National Vehicle Standards along with any localised byelaws or conditions as described in the Hackney Carriage and Private Hire Handbook.
- 16.4 The Licensing Authority may appoint a currently registered MOT station as an Appointed Testing Station who will conduct vehicle tests on its behalf. The Authority reserves the right to limit the number of approved garages.
- 16.5 Hackney Carriage and Private Hire vehicles are granted licences for a maximum period of one year. Prior to being granted a licence, each vehicle shall be examined and tested at Cambridge City Council's garage, , at which compliance with the requirements is assessed and confirmed by the issue of a certificate of compliance.
- 16.6 It is the proprietor's responsibility to ensure that all testing and application procedures are completed in order for the vehicle to become and/ or remain licensed.
- 16.7 Licensed vehicles that fail an authorised examination and test, and are deemed non-compliant by the examiner, will result in the vehicle proprietor being invited to re-test the vehicle. If an existing licensed vehicle fails, it must not work until a compliance test has been passed.
- 16.8 Proprietors of licensed vehicles are required to inform the Authority as soon as possible, and most certainly within 72 hours, of any accident that causes damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried. Proprietors must also present the vehicle to the Licensing Authority, for inspection, if requested.
- 16.9 Full details on the accident reporting process can be found within the Hackney Carriage and Private Hire Handbook.

17.0 VEHICLE INSPECTIONS

17.1 Licensed vehicles shall be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions of Licence is essential and will be enforced by periodic and/ or random vehicle inspections by authorised officers of the Council. Further guidance on vehicle inspections can be found in the Hackney Carriage and Private Hire Handbook.

18.0 SIGNAGE, LIVERY AND ADVERTISING

18.1 It is essential that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle.

18.2 Within Cambridge City Council's area, both Hackney Carriages and Private Hire vehicles will be required to display licence plates on their vehicle. This is a key feature in helping to identify vehicles that are properly licensed:

- i) Hackney Carriage Vehicles have a crest on the side of the vehicle bearing the words 'Cambridge Hackney Carriage'. They also display a pale blue identification plate on the rear of the vehicle and have a 'Cambridge Licensed Taxi' yellow roof sign on the top of the vehicle
- ii) Private Hire Vehicles do not have a taxi sign or crests. They display pale green front and rear identification plates and must bear a company door sign stating 'Private Hire – Pre-booked Only'.

18.3 The external licence plate supplied by the Licensing Authority shall be securely fixed to the outside of the vehicle, no temporary fixing is allowed.

18.4 Private Hire vehicles are not be permitted to display roof mounted signs or any signs that include the words "taxi" or "cab" or "for hire".

18.5 Roof signs fitted to Hackney Carriage vehicles shall be illuminated at all times when the vehicle is available for hire. The sign bearing the word "TAXI" in black lettering on a yellow background on the front and "Cambridge Licensed Taxi Cab" in black lettering on a red background on the back is at all times to be prominently displayed on the roof of the vehicle except:

- i) when the vehicle is on hire for a wedding
- ii) when it is necessary to accommodate passengers luggage by use of a roof rack
- iii) when the vehicle is being used for social, domestic or pleasure purposes.

18.6 The roof sign can also be removed when the vehicle is undergoing maintenance work or is being cleaned, but must be put back on the vehicle before the vehicle is used again for hire and reward.

18.7 In order to ensure that the crests remain prominent and are not compromised by any other advertising the crests should be a minimum of 9.5 inches in diameter if circular in size and 10 inches width and height if square with no background colour, and attached to both the nearside and offside front doors of the vehicle.

18.8 Private Hire vehicles do not permit the display of advertisements. However, limited

internal and external advertising may be permitted on hackney carriages in accordance with the Advertising Standards Agency code of practice and provided that the advertising leaves a 20 cm distance from the door crests. Any permission to display advertising will be subject to the prior written approval of the Council although advertisements concerning the following subjects will not normally be approved: -

- i) Political, ethnic, religious, sexual or controversial subjects
- ii) Escort agencies, gambling establishments or massage parlours
- iii) Nude or semi-nude figures
- iv) Tobacco or alcohol
- v) Anything likely to offend public taste

19.0 EXEMPTIONS

19.1 The DfT have issued guidance regarding the types of activities that may require licensing. In general, the following will not be considered to require licensing:

- Child minder vehicles
- Care transport workers
- Volunteers
- Ambulances
- Courtesy Cars

Each case will be taken on its own merits and the nature of the operation will be taken into account when considering if a licence is required.

19.2 The open display of the identifying licence plates is intended by the licensing legislation in protecting the public and supporting the trade by identifying it as a regulated business. However, there are occasions when the display of such identification is inappropriate on a Private Hire Vehicle and exemptions may be granted where there is sufficient reason.

19.3 Detailed guidance on the Plate Exemption Procedure for Private Hire Vehicles can be found in the Hackney Carriage and Private Hire Handbook.

20.0 STRETCHED LIMOUSINES AND PRESTIGE VEHICLES

20.1 Stretched limousines are elongated saloon cars, which are generally used for Private Hire work and special occasions.

20.2 Most limousines are imported for commercial purposes and are therefore required to take a Single Vehicle Type Approval (SVA) [to be replaced by the Individual Vehicle Approval (IVA)] test. The SVA or IVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads.

20.3 Any stretched limousines that are offered for private hire do require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week.

20.4 Applications to Licence stretched limousines as Private Hire vehicles will be treated on their merits. However, imported stretched limousine type vehicles can:

- i) be granted an exemption from the requirement under the conditions of licence for Private Hire to be right hand drive;
- ii) be authorized as prestige type vehicles; and
- iii) be approved for licensing as Private Hire vehicles subject to the additional conditions detailed in the 'Taxi Guide'

20.5 Proprietors of prestige type vehicles licensed as Private Hire vehicles or Private Hire vehicles used in special circumstances may seek the permission of the Authority to waive the conditions of their licence relating to the display of licence plates, door stickers and driver badges.

21.0 CONTRACT VEHICLES

21.1 The Road Safety Act 2006 requires vehicles used for a contract with an organization or company, for carrying passengers for hire or reward under a contract, to be licensed as private hire vehicles. As a general guide this shall include executive hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

21.2 All vehicles with less than 8 passenger seats or fewer that carry passengers for hire and reward must be licensed by the Local Authority. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as 'courtesy cars', i.e. for transporting customers to and from hotel, nightclubs, etc are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed.

21.3 Those operating 'courtesy cars', e.g. for transporting customers to and from hotels, nightclubs, etc. should have an operator's licence and the vehicles and driver must be appropriately licensed.

21.4 All ambulances registered with the British Ambulance Association will be exempt from private hire licensing.

21.5 Other patient transport services provided by either NHS or Voluntary Services that are registered with the British Ambulance Association will be exempt from private hire licensing.

21.6 All other ambulance or patient transport services that are not registered with the British Ambulance Association may be required to conform to private hire licensing requirements. The Licensing Authority strongly recommends that anyone wishing to provide this type of service contact the Council for each case to be considered on its merits.

21.7 In relation to Voluntary Sector Transport, the Licensing Authority will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.

21.8 When determining whether a vehicle is operating as a Private Hire Vehicle, the Licensing Authority will have reference to the Department for Transport's guidance note "Private Hire Vehicle Licensing" and any relevant case law.

21.9 The Licensing Authority will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Authority considers that private hire vehicle licensing is necessary.

22.0 WEDDING VEHICLES

22.1 Vehicles used wholly or mainly for the traditional purposes of wedding ceremonies are exempt from the requirement to be licensed.

23.0 FUNERAL VEHICLES

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

24.0 SAFEGUARDING

24.1 Cambridge City Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

24.2 Safeguarding is the process of protecting children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect, and physical, emotional and sexual abuse.

24.3 All new hackney carriage, private hire and dual driver, proprietor and operator applicants must attend and pass the mandatory safeguarding training before submitting an application. Further guidance can be found in the Hackney Carriage and Private Hire Handbook.

24.4 A mandatory refresher of the training will need to be undertaken by all licence holders, and an examination successfully passed, every three years.

25.0 DRIVER SAFETY

25.1 The trade provides a valuable service and security for drivers and passengers is of paramount importance. There are a number of ways to reduce risks such as prepayment of fares, driver screens, CCTV surveillance systems and radio link schemes.

25.2 The Hackney Carriage and Private Hire trades are encouraged to build good links with the local police force, including participation in any crime and disorder reduction partnerships.

25.3 The Licensing Authority does not require enhanced security or CCTV measures to be in vehicles at this time as it is considered that the taking of such measures should be left to the judgment of individual operators, proprietors and drivers. However, the Authority wishes to support the trade in taking sensible measures to protect the drivers and passengers in licensed vehicles and does recognize that there are benefits to the trade, and public, where CCTV is installed in licensed vehicles.

25.4 Whilst the Licensing Authority supports the use of CCTV in licensed vehicles the Authority is also mindful of the fact that there are data protection concerns arising

from the use of such surveillance. Proprietors of licensed vehicles are responsible for ensuring that installed CCTV conforms to the relevant applicable legislation, such as the Data Protection Act 1998.

25.5 To assist the trade and protect the public the Licensing Authority will expect that, where CCTV is installed in a licensed vehicle, the Proprietor will ensure:

- i) That the appropriate person responsible for the camera is registered as the Data Controller under the Data Protection Act 1988 and is responsible for ensuring compliance with the Act and associated legislation.
- ii) The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO).
- iii) Vehicles must display relevant signage informing members of the public that CCTV is in operation and that they are being filmed.
- iv) Access provision and agreements must be in place in order for the footage to be used by the relevant bodies and agencies.

25.6 Any proprietor wishing to install CCTV within a vehicle should seek advice from the Authority prior to the grant of the licence. Any permission to install CCTV may be subject to conditions attached to the vehicle licence.

25.7 The Licensing Authority reserves the right to amend the CCTV specification from time to time as the need arises, having regard to changes in technical standards, case law, national policy or any other circumstances that make it reasonable to amend the current specification.

25.8 Further guidance on driver safety can be found in the Hackney Carriage and Private Hire Handbook.

26.0 HACKNEY CARRIAGE STANDS

26.1 The purpose of Hackney Carriage stands (known as Taxi Ranks) is to provide the public with a set location where they can hire a licensed Hackney Carriage. Stands can be continual or be for part time use (e.g. night time only ranks).

29.2 A list of all public taxi ranks in the city are detailed in the Hackney Carriage and Private Hire Handbook.

27.0 VEHICLE APPLICATION PROCEDURES

27.1 The application procedures for a Hackney Carriage or Private Hire vehicle licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook.

27.2 The Licensing Authority shall consider all applications on their own merits once the appropriate criteria have been met and the application form and supporting documents are complete. Only then, and if the Licensing Authority is satisfied that the vehicle is suitable, will a licence be granted.

27.3 The vehicle proprietor is responsible for ensuring that the application process is followed and all necessary steps, documentation and fees are submitted in accordance with the procedure.

28.0 GRANT OF VEHICLE LICENCES

- 28.1 The maximum period for which a vehicle licence will be granted is 1 year. The Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstance.
- 28.2 The responsibility for applying to renew a licence, and to ensure that a vehicle is licensed, rests solely with the licence holder. Application forms, appropriate fees and supporting documentation, as set out in the Hackney Carriage and Private Hire Handbook shall be produced and any necessary appointments shall be arranged on a date prior to the expiry date of the licence. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 28.3 The Licensing Authority will only accept complete applications comprising of all the necessary information and documentation. Late or incomplete applications may render a vehicle being unlicensed for a period of time during which it will be unable to be used for licensed purposes. In some cases, once a licence has lapsed, vehicles may not be eligible to be re-licensed.

29.0 ENVIRONMENTAL CONSIDERATIONS

- 29.1 The DfT guidance suggests that authorities may wish to consider how far the vehicle licensing policy can and should support local environmental policies that the Licensing Authority may have. They may also decide to set vehicle emissions standards by promoting cleaner fuels. Local licensing authorities may also wish to note that a review carried out by the National Society for Clean Air and Environmental Protection in 2005 found taxis were more likely than other vehicles to fail emissions tests.
- 29.2 Cambridge City Council considers that every effort should be made to improve the efficiency of vehicles licensed to operate in the city by reducing the emissions of pollutants such as Nitrous Oxides, Particulate Matter and Carbon Dioxide.
- 29.3 The European Union has introduced stricter limits on pollutant emissions from light road vehicles, particularly for emissions of nitrogen oxides and particulates.
- 29.4 In order to limit pollution caused by road vehicles, this Regulation introduces common requirements for emissions from motor vehicles and their specific replacement parts (Euro 5 and Euro 6 standards).

NOx and PM emission standards for diesel cars

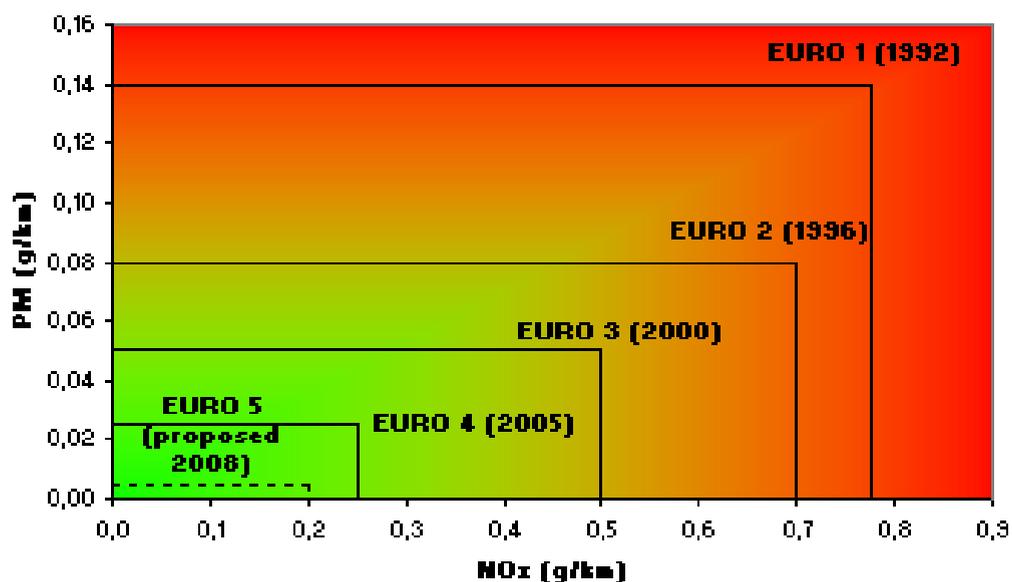


Figure 1 – Chart showing the implementation dates of successive Euro Standards and the Nox and PM levels for each of those standards

EURO STANDARD	DATE	NOX (G/km)	PM (G/ km)
Euro 1	July 1992		0.14
Euro 2	January 1996		0.08
Euro 3	January 2000	0.50	0.05
Euro 4	January 2005	0.25	0.02
Euro 5	September 2009	0.18	0.00
Euro 6	September 2014	0.08	0.00

Table 1 – Table showing the implementation dates of successive Euro Standards and the Nox and PM levels for each of those standards.

- 29.5 Cambridge City declared an Air Quality Management Area in 2004 because of predicted levels of nitrogen dioxide. An Air Quality Management Area (AQMA) is an area identified by Local Authorities where the statutory UK air quality objectives are being, or are expected to be breached up to the end of 2005, AQMAs are areas where levels of air pollution are higher than they should be (as defined by central government).
- 29.6 Levels of nitrogen dioxide in central Cambridge remain above the National Objectives; an Air Quality Action Plan was first adopted in 2005 and a more comprehensive version adopted in 2010. A revised Air Quality Action Plan is in preparation for 2015-2025.
- 29.7 The 2015-25 Air Quality Action Plan includes a plan to develop taxi policies to transform the taxi fleet into a low emission fleet which will lead to a significant reduction in emissions and a significant improvement in air quality.
- 29.8 To support the Councils Air Quality Action Plan minimum age limits and Euro Standards will be maintained and new policy incentives to incentivize the uptake of Hybrid and electric taxis will be consulted upon and implemented:
- (i) a new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old, and as and either registered after 1st September 2009 or it meets the Euro 5 standard or higher.
 - (ii) a vehicle licence will not be renewed unless the vehicle is less than 9 years old and it meets Euro 4 standard or higher.
- 29.9 With the 9-year age limit for petrol and diesel vehicles, this will mean that by 2017/18 all the internal combustion fleet licensed will be to Euro 5 or 6. The extended age allowance for low emission vehicles reflects their low pollution and supports improvements to air quality in Cambridge.
- 29.10 The term `new` means any vehicle that is being licensed for the first time with Cambridge City Council (i.e. a complete new license) or where a license is issued on a particular vehicle and then surrendered and subsequently an application to license the same vehicle is made.
- 29.11 Encouraging better maintenance of vehicles could reduce emissions from licensed vehicles further, it is intended that this aspect be tackled through education and promotion.
- 29.12 The following potential incentives and regulatory policies, which are designed to incentivise the uptake of low emission and electric vehicles within the taxi fleet could be adopted following consultation:
- i) Renewal/ Registration fee discount or exemption**
- Currently a new Hackney Carriage (HCV) or Private Hire Vehicle (PHV) registration attracts an annual. £225 fee an HCV license renewal costs £210; and renewal of a PHV costs £200.

It would be possible to reward those drivers who license an 'ultra-low emission' electric or plug in hybrid vehicle (ULEV) with a full fee exemption, for a period, to encourage early adoption. Discussion with licensing officers and trade representatives have indicated that a period of up to five years would be an appropriate period in which to incentivise uptake.

We also seek to incentivise the uptake of established hybrid vehicles which have been shown to deliver significant emission benefits over diesel engines. A fee reduction for non-plug-in petrol/electric hybrids (not diesel) such as the Toyota Prius, Auris, Honda Insignia or Accord and others would encourage further uptake of these low emission vehicles, and reward those making the step.

A 50% fee reduction in these cases for both the existing (currently 31 in the fleet) and new vehicles is suggested. The suggestion of a 50% fee waiver acknowledges that standard hybrid vehicles will not have as much impact on emissions as will a full ULEV compliant vehicle but will encourage the shift away from Diesel whilst being simple to administer.

Both of the suggested incentives here have a financial cost as the Taxi licensing service is self-funded through the collection of fees. Any fees waived would need to be made up from general revenue funds.

ii) Waive or extend age limit for ULEVs or Hybrids.

This policy measure changes the business case for Taxi drivers considerably, by allowing vehicle cost to be spread over 10 or more years rather than 8 or less. We would consider up to a 15 year age limit for fully electric vehicles (subject to roadworthiness etc.) and 10 years for petrol / electric hybrids which do have internal combustion engines.

iii) Waive requirement for 6 month inspection

Currently we require all City Licensed cabs to be inspected at our garage twice a year this could be relaxed to one inspection per year, for example, for the first 5 years of operation for a new low emission taxi.

iv) Create an Electric Taxi only rank

This would need to be in a popular location or replace part of an existing all vehicle rank to be effective. It may need to be located to complement charging infrastructure, and only implemented once a suitable number of Electric Vehicles have entered the fleet.

v) Vehicle Purchase Subsidies for Electric vehicles

Details of currently available subsidies are set out in the table below – A successful bid to central government could provide an additional £3000 subsidy for purpose built electric Hackney Carriages, per vehicle.

Vehicles eligible for a Plug-In Grant – from March 2016 there will be different levels of grant for different vehicles. List of vehicles in Appendix 2.

- **Category 1**
CO₂ emissions less than 50g/km and zero emission range of at least 70 miles £4,500
- **Category 2**
CO₂ emissions less than 50g/km and zero emission range of 10 – 69 miles £2,500
- **Category 3**
CO₂ emissions 50 – 75g/km and zero emission range of at least 20 miles £2,500

Source: OLEV (Office for Low Emission Vehicles)

vi) Provision of ‘Rapid - Taxi Only’ charging infrastructure

An initial number of charging points could be funded by a successful bid to central government with a further four locations funded through an existing City Council capital commitment.

vii) Set date for all newly registered vehicles to be low or ultra-low emission

Setting a date after which traditional internal combustion engine taxis could not be newly registered as a PHV or HCV in Cambridge would focus the minds of Taxi drivers to plan for moving to electric or hybrid vehicles.

A sensible suggestion would be to set this for 5 years hence (say April 1st 2021) and phase out any fee exemptions at the same time. Five years notice will give the trade more than reasonable notice of the change and allow proper business planning.

viii) Set date for all licensed taxi vehicles to be low or ultra-low emission

Setting a back stop date where all taxis licensed for operating in the City must be low or ultra-low emission vehicles. We would propose a date, 10 years hence (April 1st 2026).

Currently the age restrictions on taxis mean that no licensed vehicle can be in operation if it is over 9 years old. Therefore setting a cut-off date 10 years hence for all taxis to be ULEV or Hybrid means no one will be forced to change vehicle earlier than they would have to under the current rules, thus giving more than reasonable notice of the change to allow proper business planning for the trade.

ix) Restrict City Centre Access to ULEV and Hybrid Taxis only

This will be possible with the changes to access management of the City Centre (currently by transponder and rising bollard) to Automatic Number Plate Recognition ANPR which are pending installation by Cambridgeshire County Council.

There will potentially be considerable flexibility in how this is enforced and could be time limited for peak times. This policy is outside our own licensing powers and is only deliverable with the cooperation of the County Council. It is likely to be an important factor in ensuring compliance should the low emission criteria become mandatory.

Discussions have taken place with relevant County Officers and there is agreement that these restrictions could be delivered using the proposed mechanisms.

The Cambridge City Deal consultation is considering the implementation of a number of further traffic restrictions on key access routes outside the City Centre by introducing Bus Gates. These will use the same mechanism, ANPR to facilitate preference for buses, and could also allow access for low emission taxis.

Funds to replace current rising bollards with ANPR enforcement have already been committed by the County Council as transport authority and work will be commissioned in August and September 2016. The proposed 'Bus Gates' outside the core area will be delivered through the City Deal funding.

29.12 The Authority recognizes that low emission vehicles can have a positive impact on the environment and any application received for other low and ultra-low emission vehicles will be considered on its own merits.

30.0 SMOKING

30.1 The driver of a licensed vehicle must not smoke in the vehicle at any time, including when the vehicle is being used for social, domestic and pleasure purposes.

30.2 The driver of a licensed vehicle shall not permit any other person or fare-paying passengers to smoke in a licensed vehicle.

30.3 This also includes a ban in electronic inhaler type cigarettes and 'vaping'.

PART 3

DRIVERS

DRAFT

31.0 GENERAL

- 31.1 The statutory and practical criteria and qualifications for a Hackney Carriage Driver are similar to those of a Private Hire Driver. The sections below therefore, apply equally to Hackney Carriage, Private Hire and Dual Drivers unless indicated.
- 31.2 Licensed drivers provide a public service. The Licensing Authority will not licence anyone to drive a Hackney Carriage or a Private Hire vehicle unless it is satisfied that they are a fit and proper person.

32.0 FIT AND PROPER

- 32.1 There is no definition of 'fit and proper' in legislation nor a fixed legislative process. It is for Cambridge City Council to determine how it wishes to be satisfied that a driver is fit and proper and to this end, the Authority considers a range of documentary evidence, practical criteria and testing mechanisms provided by an applicant in order to be satisfied of this.

33.0 DRIVER LICENCES

- 33.1 The Licensing Authority grants three types of licence in respect of driving Hackney Carriage and Private Hire vehicles (Hackney Carriage Driver Licence, Private Hire Driver Licence and Dual Driver Licence) Applicants granted their first licence will be limited to a maximum period of 12 months and thereafter there is the option of having a license issued for a minimum of 12 months or a maximum of 3 years.
- 33.2 The Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstances
- 33.3 The responsibility for applying to renew a licence, and to ensure that all documentation, checks and associated criteria is up to date, rests solely with the licence holder. Application forms, appropriate fees and supporting documentation, as set out in the Hackney Carriage and Private Hire Handbook shall be produced and any necessary appointments shall be arranged on a date prior to the expiry date of the licence. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 33.4 The Licensing Authority will only accept complete applications comprising of all the necessary information and documentation. Late or incomplete applications may render a driver being unlicensed for a period of time during which they will be unable to work as a licensed driver.
- 33.5 Applicants shall be over 18 years of age and shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months.
- 33.6 The Authority shall use the services of an appropriate party to access DVLA records in addition to checking the full licenses produced by the applicant.

34.0 ELIGIBILITY TO LIVE AND WORK IN THE UK

- 34.1 Cambridge City Council has a responsibility to ensure that it only issues licences to individuals who have a legal entitlement to live and work in the United Kingdom.
- 34.2 Proof of the right to live and work in the UK must be provided by Driver and Operator applicants in accordance with the Immigration, Asylum and Nationality Act 2006. As part of the new licence application process, individuals will be required to present original documentation for verification and copies will be made and retained on file. The Home Office has produced a list of documents that applicants can provide, further information can be found in the Hackney Carriage and Private Hire Handbook.
- 34.3 If an individual is not a UK or EEA national then they will need to obtain permission to live and work in the UK.
- 34.4 Individuals may have a permanent or temporary right to live and work in the UK. Licences will not be issued for a period any longer than the length of an individual's permission to live and work in the UK.
- 34.5 The Licensing Authority work in conjunction with the Home Office to ensure that Immigration Offences are minimized. The Licensing Authority may exercise discretion to grant or renew a licence, or to suspend or revoke an existing licence if an individual is found to be living or working in the UK without the required authorization.

35.0 DISCLOSURE AND BARRING SERVICE (DBS)

- 35.1 A Disclosure and Barring Service Certificate (DBS) is seen as an important safety measure by the Licensing Authority to ascertain whether or not a driver applicant is fit and proper to hold a licence.
- 35.2 Cambridge City Council is an approved DBS registered body and driver applicants can therefore deal with the DBS through the Council and pay the appropriate fee. Cambridge City Council will not accept portability of a DBS.
- 35.3 An enhanced DBS shall be undertaken upon application and every three years after (if subsequent renewal applications are made) as these disclosures include details of spent convictions, police cautions and other relevant information. The Licensing Authority may, at its discretion, require additional DBS checks within the standard three year cycle.
- 35.4 A Council may require an applicant for a licence under the Town and Police Clauses Act 1847, or under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976, to submit any information that they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence. Cambridge City Council therefore requires any Proprietors or Operators, that are not licensed drivers with Cambridge City, to undertake an enhanced DBS upon application and every three years after (if subsequent renewal applications are made).
- 35.5 However, the Council encourages drivers, proprietors, operators and applicants to join the DBS Update Service which allows the applicant to keep the Council informed of their criminal record history at all times. It is believed that all responsible and

professional licensed drivers will do this. Further guidance on the DBS Update Service can be found in the Hackney Carriage and Private Hire Handbook.

- 35.6 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction would be regarded as 'spent' and not normally require disclosure of that conviction. However, in 2002 the Act was amended to exclude Hackney Carriage and Private Hire Drivers from the 1974 Act. The driving of Hackney Carriage and Private Hire vehicles is listed as a 'Notifiable Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- 35.7 Applicants must disclose all convictions (including driving convictions), police warnings, reprimands, ASBOs, cautions, Community Service Orders, Restraining Orders and fixed penalties including those that would previously have been regarded as spent under the 1974 Act.
- 35.8 Existing licence holders must disclose all new convictions (including driving convictions), police warnings, reprimands, ASBOs, cautions, Community Service Orders, Restraining Orders and fixed penalties to the Licensing Authority in writing within seven working days. Further information on DBS's, relevance of Convictions and Cautions and the Rehabilitation of Offenders Act 1974 can be found in the Hackney Carriage and Private Hire Handbook.
- 35.9 For the consideration of convictions and police cautions recorded against individuals, the Licensing Authority has adopted the policy as set out in the Hackney Carriage and Private Hire Handbook..
- 35.10 In assessing whether the applicant is a fit and proper person to hold a licence, the Licensing Authority shall consider each case on its own merit. It will have regard to the following factors in assessing the relevance of cautions and convictions:
- Whether convictions are spent or unspent
 - The nature of the offence or information
 - The age of the offence
 - The apparent seriousness, as gauged by the penalty
 - Any pattern of offending

Upon receipt of a disclosure from the Disclosure and Barring Service, the information will be risk assessed by an Authorised Officer who will consider whether the information received is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence in line with the policy guidance in the Hackney Carriage and Private Hire Handbook.

36.0 CERTIFICATES OF GOOD CONDUCT

- 36.1 Applicants who have lived out of the UK for any period of time within the five years prior to their application or renewal must obtain a certificate of good conduct from the relevant embassy or consulate covering that period.
- 36.2 The certificate of good conduct must be authenticated, translated and sealed by the relevant embassy or consulate.
- 36.3 Any costs associated with obtaining a certificate of good conduct are the responsibility of the applicant or driver.

37.0 DRIVING LICENCE RECORDS

37.1 The Licensing Authority will carry out a check of DVLA records when considering if an applicant or driver is a fit and proper person to be licensed. This is to ensure that the information submitted by the applicant is in accordance with the information held by the DVLA and so that the the Licensing Authority are aware of any endorsements on the individual's driving licence.

38.0 MEDICAL EXAMINATION

38.1 The DfT recognizes that it is good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for Hackney Carriage and Private Hire drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the general public who have expectations of a safe journey;
- they are on the road for longer hours than most car drivers; and
- they may have to assist disabled passengers and handle luggage.

38.2 The Licensing Authority acknowledges the importance of a driver's good physical and mental health in protecting the public and requires that all new and renewal drivers must meet Group II medical standards.

38.3 Medicals are required for all new applicants and every five years thereafter until the age of 60.

38.4 Once a driver has reached the age of 60 a medical will be required annually thereafter.

38.5 Holders of current PSV and/ or HGV licences who can produce evidence of a current medical examination (not more than one month old) will not be required to undergo a further medical examination before grant of a new or renewal licence.

38.6 Licence holders and applicants must consider the medical conditions as listed in the Hackney Carriage and Private Hire Handbook as the Licensing Authority may refuse to grant an application or revoke an existing licence where an applicant has any of the listed conditions.

38.7 If, once licenced, the drivers medical circumstances change during the period which the licence is held, the driver must notify the Licensing Authority within 7 days. If there is any doubt as to the medical fitness of an individual, the Authority may require the individual to undergo a further medical examination by their GP or an approved practitioner. Each case will be assessed on its own merits and further guidance can be found in the Hackney Carriage and Private Hire Handbook.

39.0 KNOWLEDGE

- 39.1 Hackney Carriage and Private Hire drivers need a good working knowledge of the area for which they are licensed, because vehicles can be hired immediately, directly with the driver at hackney carriage stands or on the street in the case of Hackney Carriages and by prior booking through a Private Hire Operator in the case of Private Hire Vehicles. Additionally, it is expected that drivers should be able to communicate with their customers and be able to carry out the basic arithmetic associated with the paying of fares.
- 39.2 In order to commence the new driver application process an applicant must first register to take a Cambridge City Council Knowledge Test. Only once the Knowledge Test has been passed may they continue with the application process.
- 39.3 The test can only be attempted four times within 12 months, and then it is recommended that if applicants wish to reapply, they do so after a break of six months. Additional guidance on the Knowledge Test can be found in the Hackney Carriage and Private Hire Handbook.

40.0 DRIVING PROFICIENCY

- 40.1 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for Hackney Carriage and Private Hire drivers. As licensed drivers are on the road more frequently than most other people, the Licensing Authority has concluded that the DSA Driving Assessment be the standard of driving competency for the drivers of Hackney Carriage and Private Hire vehicles licensed with this Authority. There are no exceptions.

41.0 DRIVER APPLICATION PROCEDURES

- 41.1 An application for a Hackney Carriage, Private Hire or Dual driver's licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook.

42.0 CONDITIONS OF DRIVER LICENCES

- 42.1 Hackney Carriage Drivers are subject to the Council's Byelaws.
- 42.2 The Authority considers that the conditions as set out in the Hackney Carriage and Private Hire Handbook are reasonable, necessary and appropriate for all licensed Hackney Carriage and Private Hire drivers.

43.0 CODE OF GOOD CONDUCT

- 43.1 The Licensing Authority consider that the Hackney Carriage and Private Hire trade is a key front line transport service for residents and visitors to Cambridge City and have set down the standards which must be adopted in maintaining a safe, professional and efficient approach to transport members of the

public.

- 43.2 The standards of expected behavior of all licensed drivers are set out in the Hackney Carriage and Private Hire Handbook and should be read in conjunction with the other statutory and policy requirements set out in this document.
- 43.2 The code of conduct is in place to enhance the professionalism of, and to promote public confidence in, licensed drivers. Failure to comply with any aspect of the Code of Conduct will not necessarily result in enforcement action. However, breach of the code is an indicator which the Licensing Authority will use to help decide upon subsequent enforcement action.

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PART 4
OPERATORS

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44.0 PRIVATE HIRE OPERATORS REQUIREMENTS AND OBLIGATIONS

- 44.1 Any person who operates a Private Hire service (who is not a Hackney Carriage Proprietor who permits Hackney Carriages to be used for Private Hire) must apply to the Licensing Authority for a Private Hire Operator's Licence. The objective in licensing private hire operators is the safety of the public, who will be using operator's premises, and vehicles and drivers, arranged through them.
- 44.2 A Private Hire vehicle may only be dispatched to a customer by a Private Hire Operator who holds an operators' licence. Such licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle.
- 44.3 A Private Hire operator shall ensure that every Private Hire vehicle is driven by a person who holds a Private Hire driver's licence.
- 44.4 An application for a Private Hire Operator's licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook. The Licensing Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence.
- 44.5 All three licences:
- i) Private Hire operator's licence
 - ii) Private Hire driver's licence
 - iii) Private Hire vehicle licence
- must be issued by the same Licensing Authority
- 44.6 Private Hire operators, that are not licensed drivers, are required to produce an enhanced DBS certificate or a certificate of good conduct from the relevant embassy or consulate for overseas applicants. In order to promote the objective of public safety, before an application for a Private Hire Operators licence will be considered, the Licensing Authority requires all new Private Hire Operators (who are not already licensed drivers with the City Council) to submit an Enhanced DBS certificate (dated within one month) as part of their application.
- 44.7 All Private Hire Operator renewals (for individuals who are not already licensed drivers with the City Council) are to undertake an Enhanced DBS certificate (dated within one month) every three years.
- 44.8 The application procedure for new and renewal Private Hire Operators licences is set down in the Hackney Carriage and Private Hire Handbook.
- 44.9 The Licensing Authority has power to impose such conditions on an operator's licence, as it considers reasonable necessary. These are set out in the Hackney Carriage and Private Hire Handbook.

45.0 INSURANCE

- 45.1 Before an application for a Private Hire Operator's licence is granted, the applicant shall produce evidence that they have taken out Public Liability insurance for premises that are open to the public.
- 45.2 The conditions for Private Hire Operators licences, will require that the operator produce an appropriate certificate of motor insurance that covers every Private Hire vehicle on the operators fleet policy.

46.0 PRIVATE HIRE OPERATOR LICENCE DURATION

- 46.1 Cambridge City Council shall grant Private Hire operator licences for a period of one year from the date of grant or for five years from the date of grant (renewal licences only).
- 46.2 The responsibility for applying to renew an Operator licence, and to ensure that all documentation, checks and associated criteria is up to date, rests solely with the licence holder. Application forms, appropriate fees and supporting documentation, as set out in the Hackney Carriage and Private Hire Handbook shall be produced and any necessary appointments shall be arranged on a date prior to the expiry date of the licence. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 46.3 The Licensing Authority will only accept complete applications comprising of all the necessary information and documentation. Late or incomplete applications may render an operator being unlicensed for a period of time during which they will be unable to work as a licensed operator.

47.0 RECORD KEEPING

- 47.1 The Local Government (Miscellaneous Provisions) Act 1976 requires Operators to keep records of each booking. Information should include the date and time of the booking, the name of the passenger, how the booking was made, the destination, the name of the driver and the licence number of the vehicle. Records can be kept in a suitable book or on a computer or any other recordable device. If you are using a book the pages must be numbered consecutively.
- 47.2 The Operator shall permit an Authorised Officer of the Council access to records required by their licence, at all reasonable times.
- 47.3 The operator must hold records of insurance and licence expiry dates of drivers and vehicles. No journeys can be allocated to uninsured or unlicensed drivers and vehicles.

48.0 ADDRESS FROM WHICH AN OPERATOR MAY OPERATE

- 48.1 The Licence Authority, when it grants an Operator's licence, will specify the address from which the operator may operate. This will be the premises where the records referred to (as above) are kept and at which the Licensing Authority may inspect them.
- 48.2 The Operator must notify the Licensing Authority in writing of any change of

address during the period of the licence, within seven working days.

48.3 The operator is responsible for ensuring that appropriate planning consent exists for the use of the operational address to be used for that purpose. The grant of a Private Hire Operator's licence will not imply that planning consent has been given. Proof of planning permission may be required before a licence is granted.

48.4 The Licensing Authority will not grant an operator's licence for an operator with an operating base that is outside the district area. However, it is possible to obtain an Operator's Licence for premises within 10 miles of the City Boundary. This is to ensure that proper regulation and enforcement measures can be taken and is in no way intended to be a restraint on trade.

49.0 SUB CONTRACTING

49.1 Section 55a of the Local Government (Miscellaneous Provisions) Act 1976, inserted by the Deregulation Act 2015, permits Operators licensed by the Council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed private hire operator holding a private hire licence granted by another local authority.

49.2 Regardless of which operator fulfils a booking, the operator can only dispatch a vehicle licensed by the same Council that licenses the operator and driven by a driver licensed by that same Council.

49.3 Operators that accept a booking remain legally responsible for that booking even if they sub-contract the booking to another Operator and should record the booking as usual and note the fact that it was sub-contracted.

50.0 CROSS BORDER HIRING

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

PART 5
ENFORCEMENT

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51.0 ENFORCEMENT

- 51.1 It is recognised that a well-directed, risk based approach to enforcement activity by the Licensing Authority benefits not only the public but also the responsible members of the Hackney Carriage and Private Hire trades. The DoT accepts that the resources devoted by licensing authorities to enforcement will vary according to local circumstances.
- 51.2 Legislation relating to a Licensing regime and the conditions of licence designed to protect public safety are of no value unless they are correctly enforced by the Licensing Authority. In pursuance of the objective to encourage responsible Hackney Carriage and Private Hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives set out in section 3.0 of this document. Where defects are such that a vehicle or driver's Licence needs to be suspended, interference with livelihood is inevitable.
- 51.3 The City Council has adopted an Enforcement Management System and any action taken will be in accordance with the Council's Enforcement Policy.
- 51.4 The enforcement management system, as set out in the Hackney Carriage and Private Hire Handbook , will ensure that the Licensing Authority's enforcement effort is reasonable, transparent and well directed.
- 51.5 The aim of the enforcement management system will be to work in conjunction with other enforcement options and provide a formal stepped enforcement plan. The system will be used to record alleged misdemeanors and act as a record of drivers' behaviour and conduct.
- 51.6 Complaints from the public and/ or any routine enforcement that identify significant breaches of conduct will be subject to investigation by Officers. The system will serve as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.
- 51.7 The adoption of an Enforcement Management System will not, however, compromise the Council's ability to enforce breaches of statute in the Courts when necessary.
- 51.8 The City Council has adopted an enforcement policy in line with the Governments Better Regulation Unit Enforcement Concordat and Regulators Code of Practice. Any enforcement action taken will be in accordance with the Council's Enforcement Policy.
- 51.9 The Licensing Authority will share information with other agencies in respect of potential illegal activities and enter into joint enforcement operations with other agencies and authorities.

52.0 COMPLIANCE

- 52.1 Informal action to secure compliance with legislation, conditions and policy will include offering advice, requests for action, verbal advice, guidance notes, the use of written instructions and the undertaking of inspections.
- 52.2 Formal action to secure compliance with a breach of any condition, law or byelaw will be exercised in accordance with the Enforcement Management system as detailed in the Hackney Carriage and Private Hire Handbook.

53.0 RANGE OF POWERS

53.1 The Licensing Authority may take any of the steps below upon receipt of evidence that an offence has been committed in relation to a Hackney Carriage, Private Hire or Dual Licence. A breach of condition amounts to an offence in this context:

- i) Suspension of the Licence;
- ii) Revocation of the Licence;
- iii) Refusal to Renew;
- iv) Issuing of Warnings.

In relation to an offence committed for breach of a statutory obligation, the Licensing Authority may take one of the following steps in addition to the above:

- i) Issuing of Simple Cautions;
- ii) Prosecution.

Further detail can be found in the Hackney Carriage and Private Hire Handbook.

53.2 All Officers of Cambridge City Council, duly authorised under the Authority's Scheme of Delegation, are responsible for the day-to-day operation of the Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the Policy.

54.0 COMPLAINTS, COMPLIMENTS AND COMMENTS

54.1 Members of the public who wish to submit complaints, compliments or comments about licensed drivers and operators can do so via the Licensing and Enforcement Team. All complaints will be dealt with in accordance with the process as described in the Hackney Carriage and Private Hire Handbook.

54.2 Cambridge City Council has a clear complaints procedure to ensure that there is a clear and systematic process by which members of the public can seek redress for any failures in service provision. Further guidance can be found in the Hackney Carriage and Private Hire Handbook.

55.0 WARNINGS

55.1 In respect of minor breaches of licence conditions the Licensing Authority shall issue warnings as appropriate to the circumstances. A Warning may be used for minor, technical or first time transgressions where it may not be in the public interest to prosecute. Further guidance relating to this can be found in the Hackney Carriage and Private Hire Handbook.

56.0 PROSECUTION

56.1 The Licensing Authority will have regard to the Regulators Compliance Code, Code for Prosecutors, DfT Best Practice Guidance and its own enforcement policy when considering whether or not to prosecute a licence holder for a relevant offence.

56.2 The Authority will consider prosecution where:

- the allegation is of a serious or repeated offence
- the Council proposes to issue a formal caution to the licence holder, but the offence is not admitted or the formal caution is not accepted
- there have been repeated breaches of legal requirements
- a particular type of offence is prevalent
- a particular contravention has caused public harm, particularly to the vulnerable or extreme inconvenience

57.0 SUSPENSION OF A LICENCE

57.1 Where a Licence holder has been referred to the Licensing Sub Committee, the Sub Committee may order the suspension of the Licence.

57.2 A drivers licence may be suspended with immediate effect, delegated to the Environmental Health Manager, for a hackney carriage, private hire or dual driver where it is in the interests of the public safety to do so as pursuant to Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the Magistrates' Court but this will not affect the suspension starting with immediate effect.

58.0 REFUSAL TO GRANT

58.1 The Licensing Authority have the discretion to decide that a licence will not be granted if the vehicle, driver or operator does not meet the requirements of the policy. There is a right of appeal to the Magistrates' Court.

59.0 REVOCATION OF A LICENCE

59.1 Where the Licence holder has been referred to the Licensing Sub Committee, the Sub Committee may order the revocation of the licence.

59.2 A drivers licence may be revoked with immediate effect, delegated to the Environmental Health Manager, for a hackney carriage, private hire or dual driver where it is in the interests of the public safety to do so as pursuant to Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the Magistrates' Court but this will not affect the suspension starting with immediate effect.

60.0 REFUSAL TO RENEW

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

61.0 RIGHTS OF APPEAL

- 61.1 Any notifications of enforcement actions will include information on how to appeal, where that right of appeal exists. This will include where and within what period an appeal may be brought.
- 61.2 In general terms, where an applicant is aggrieved by the Council's Licensing Sub Committee decision to suspend or revoke a Licence or attach conditions to a Licence or to refuse to grant or renew a Licence, the applicant has a right of appeal to the local Magistrates' Court. The specific grounds for appeal are detailed in the Hackney Carriage and Private Hire Handbook.
- 61.3 Any appeal must be lodged at the Court within twenty-one days of the applicant receiving written notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

62.0 INFORMATION AND DATA SHARING

- 62.1 In the interests of protecting public funds, the Council reserve the right to use any information or data submitted as part of an application, renewal, administration or compliance and enforcement process for the prevention and detection of fraud and crime.
- 62.2 The Council may share your information internally and we reserve the right to check the information you have provided for accuracy and to detect crime. We may share your information with other statutory/ regulated Authorities or if it is required by law. Other parties may include the Department for Work and Pensions, The Home Office, The Police, the DVLA, HM Revenues and Customs and other local authorities.



Cambridge City Council

Hackney Carriage and Private Hire Taxi Handbook

October 2016

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General Enquiries and Correspondence

The Licensing Team can be contacted via:

Email: taxi@cambridge.gov.uk

Telephone: 01223 457888

Post: Licensing & Enforcement Team
Cambridge City Council
PO Box 700
Cambridge
CB1 0JH

Web Address: www.cambridge.gov.uk

Facebook: www.facebook.com/taxilicensingccc01

Appointments: Appointments are made in advance for a visit to the Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY

The **Customer Service Centre** is open at the following times:

Monday to Friday 9.00am – 5.15pm

Cashiers are open at the following times:

Monday to Thursday 9.00am – 5.00pm

Friday 9.00am – 4.00pm

Preface

Cambridge City Council is situated in Cambridgeshire, which contains a total of 5 District Councils. Cambridge combines a rich history with the vibrancy and prosperity of outstanding educational institutions and modern businesses.

The City of Cambridge is in the east of England, 50 miles north of London. A beautiful place to live and work, Cambridge is an historic University City and market town with high quality architecture and attractive open spaces. It is also a city of national importance, being a world leader in higher education and many 21st century industries – information technology, telecommunications and commercial research, particularly the biotechnology sector.

The population of Cambridge is over 125,000. A significant characteristic of the City's population is its large and diverse student population, totaling almost 27,000 (including post graduates). This is swollen further by language students attending "summer schools", which adds to a high "churn" in our population.

The daytime population of the City increases significantly, with high levels of commuting into the City and very large numbers of tourists and visitors. Last year nearly 4 million people visited the City.

Taxis are a vital component of the public transport system that provides a door-to-door service which is relied upon by a significant number of users.

For many visitors, the journey they make in one of Cambridge City's licensed vehicles will play a significant part in forming an initial perception of the City and so our licensed drivers play an important role in the future success of the City as a business and visitor destination.

Cambridge City Council is dedicated to providing the city with a top quality Private Hire Vehicle and Hackney Carriage service for its residents and visitors alike. The process for obtaining a driver's licence is therefore targeted at various aspects to ensure that the Council can be satisfied you are a "fit and proper" person to hold such a licence.

Environmental Health Manager
Cambridge City Council

Introduction & General Principles

This handbook provides details of all the current procedures in relation to Hackney Carriage and Private Hire Vehicles, Drivers licences and Operators licences.

This handbook accompanies the Hackney Carriage and Private Hire Licensing Policy which has been approved by the Licensing Committee and will be subject to periodic updating and change. Readers are recommended to use this handbook as a guide, in line with the Policy, to ensure understanding and compliance within Taxi Licensing.

Cambridge City Council is responsible for regulating Hackney Carriage and Private Hire Vehicles, the drivers of Hackney Carriages and Private Hire Vehicles and the operators of Private Hire Vehicles under the provisions of the Town Police Clauses Act 1847 and Part II of the Local Government Miscellaneous Provisions Act 1976.

In addition to this, the Council has made byelaws for regulating Hackney Carriages and each Licence that is granted (except for Licences to drive Hackney Carriages) will have standard conditions attached to it with which the Licence holder must comply.

Vehicles, drivers and operators are regulated to ensure the protection of the public and the Council is dedicated to providing a safe and secure Hackney Carriage and Private Hire service for its residents and visitors alike.

This Handbook outlines the operational procedures and processes associated with the administration of the Licences. The main aim of the document is to offer assistance to anyone involved in operating and driving Hackney Carriages and Private Hire Vehicles by setting out the processes for applying for and renewing Licences, including the testing of vehicles. Additionally, the handbook outlines the standards expected of Licence holders and the action that may be taken for breach of legislative obligation, breach of condition or for any other matter that brings in to question whether the Licence should remain in force.

The Handbook is subject to amendment by the Environmental Health Manager.

Structure

Taxi Licensing is set with the Licensing & Enforcement Team.

The service is answerable to the Licensing Committee which comprises of twelve Councillors who consider licensing policies in relation to the grant, suspension or revocation of licences for the provision of Hackney Carriage or Private Hire Drivers and Vehicles and Private Hire Operators.

Equal Opportunities

Cambridge City Council is committed to equality of opportunity and aims to ensure that no applicant receives more or less favourable treatment on the grounds of gender or gender reassignment; race and ethnicity; disability; sexual orientation; age; religion/belief; pregnancy and maternity; or marriage and civil partnership.

Cambridge City Council believes in the dignity of all people and their right to respect and equality of opportunity. We value the strength that comes with difference and the positive contribution that diversity brings to our city.

National Fraud Initiative

Cambridge City Council is under a duty to protect the public funds it administers and to this end may use the information you provide on the application form for the prevention and/or detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Safeguarding

Cambridge City Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

We have rigorous procedures and checks in place for all to adhere to. As the Licensing Authority we have a duty to ensure that all licence holders are 'fit and proper'.

In addition to this we want to promote a safe culture, increase our safeguarding approach and promote good practice to protect children and vulnerable adults from harm.

Full details on Safeguarding can be found further on in the Handbook.

Customer Care

Cambridge City Council is committed to providing a high standard of service and we strive to get it right first time, every time.

We expect all licensees to display the utmost care and consideration in all their dealings with members of the public. Further details on the standards expected can be found further on in the Handbook.

Compliments, Complaints and Suggestions

We like to know when things go right, but we also want to know when things wrong.

The Licensing and Enforcement team encourage feedback on any areas within Licensing and welcome suggestions.

If you are unfortunate enough to have cause for complaint about a Cambridge City licence holder; you may choose to take up your complaint with the driver or private hire operator directly.

Alternatively you can take note of the driver's name and badge number, the vehicle plate number and/ or the vehicle registration number and contact the Licensing & Enforcement Team with the details of your complaint (taxi@cambridge.gov.uk).

Some complaints are about poor customer service and we encourage Taxi Associations and Private Hire Operators to investigate and resolve the problem, which they do on a large number of occasions.

The Licensing & Enforcement team operates under Licensing Law and can investigate complaints by passengers concerning drivers, vehicles and operators.

What is the Council's role?

We record all complaints concerning licensed drivers, vehicles and operators, except where the complainants are unwilling to provide their contact details. It is important that if you make a complaint that you provide as much detail as possible.

What do I need to do?

Tell us what happened and when. We will need you to be able to identify the driver and/ or vehicle (e.g. the plate number, badge number or vehicle registration number). If you cannot provide these details then we will be unable to follow the matter up.

You will also need to provide your name, address and, if you would rather be contacted by telephone than by email, your telephone number.

What happens next?

In cases of misconduct the complainant may be required to make a witness statement and will be advised that formal disciplinary action may depend on them supporting their statement in person at a disciplinary hearing.

If there are two conflicting accounts of an incident and no independent witnesses then our powers are limited. In such cases, the driver may only be given words of advice on the standard of driving and behaviour expected from licensed drivers.

A record of the complaint will be retained on the driver's record and the matter will again be considered if similar complaints are received in the future that suggest that

there is a pattern to the licence holder's behaviour. A number of minor complaints in a short space of time or a similar incident occurring could lead to disciplinary action being taken.

If it is alleged that criminal offences under taxi or private hire legislation have been committed, the council will investigate the offence. A statement will usually be taken from the complainant and other relevant evidence gathered prior to the licence holder being interviewed under caution. If there is sufficient evidence to instigate legal proceedings, the complainant may be called as a witness to give evidence in court in support of the council's case.

If the council cannot enforce the offence, the complainant as detailed above will be advised to refer the matter to the police or the relevant enforcement agency. In such cases disciplinary action will usually be postponed until the police have completed their investigation and closed the incident.

This may mean waiting to see if the licence holder is convicted of the offence but, if the matter is of such a serious nature that it requires the council to take interim steps, the licence may be suspended pending the completion of the police investigation.

General

If you have already attempted to resolve the issue, without success, please contact us and we will, if necessary, carry out further investigations and refer the matter to other appropriate bodies as applicable.

We are committed to providing the City with a top quality Hackney Carriage and Private Hire service for its residents and visitors alike. We welcome feedback in any form, be it a compliment, a complaint or a comment and we encourage you to contact us if you have any queries or concerns.

Please be advised that the Licensing and Enforcement Team does not have the power to enforce:

- ❑ **Parking Infringements** (e.g. parking on double yellow lines or double parking or other highway parking issues). For parking infringements please contact Cambridgeshire County Council at info@cambridgeshire.gov.uk
- ❑ **Obstruction** (e.g. causing obstruction on the public highway including parking too near road junctions). For obstruction infringements please contact Cambridgeshire Constabulary in the first instance on 101, the non-emergency number. (If the matter is an emergency then call 999)
- ❑ **Traffic offences** (e.g. using hand-held mobile phone while driving, road rage, careless or dangerous driving). For traffic offences please contact Cambridgeshire Constabulary in the first instance on 101, the non-emergency number. (If the matter is an emergency then call 999)
- ❑ **Criminal offences** (e.g. assault, threats, harassment, theft of mobile phone,

indecenty). For criminal offences please contact Cambridgeshire Constabulary in the first instance on 101, the non-emergency number. (If the matter is an emergency then call 999)

- ❑ **Running a vehicle engine and sounding a vehicle horn when stationary** can be offences. These offences are infringements under Regulations 98 & 99 of the Road Vehicles (Construction and Use) Regulations 1986. For infringements of these regulations please contact Cambridgeshire Constabulary in the first instance on 101, the non-emergency number. (If the matter is an emergency then call 999)

- ❑ **Vehicles licensed by another local authority** (e.g. *South Cambridgeshire District Council, East Cambridgeshire District Council, Huntingdonshire District Council*) Contact the relevant local authority which has licensed these vehicles:

South Cambridgeshire District Council: <https://www.scambs.gov.uk/content/taxi-licences>

East Cambridgeshire District Council: <http://www.eastcambs.gov.uk/licensing/taxi-private-hire-licences>

Huntingdonshire District Council: <http://www.huntingdonshire.gov.uk/licensing/taxis-private-hire/>

Application Forms

This handbook contains details of the application procedures for a Vehicle, Driver and Operator Licence. Reference is made in these sections to the “relevant application form”.

The application forms are specific to the type of Licence that is to be applied for and they are available to download on the Council’s website here: <https://www.cambridge.gov.uk/taxi-licensing>

Fees and Charges

The Council is permitted to charge fees for the administration, process of, compliance associated with and some enforcement activity associated with the licensing regime.

The fees and charges for Licences will be reviewed on an annual basis. The current fees and charges are shown in Appendix F.

Online Applications

The Licensing and Enforcement Team is moving towards an online digital system for all licensing applications, including those for drivers, proprietors and operators. This will make the process more efficient and will reduce the amount of paper required and time taken.

It is anticipated that any reminders, or other general correspondence, will be communicated via email only so it is important that licence holders keep us up to date with their email contact details.

You can currently view and download taxi documentation, guidance and forms from our website: www.cambridge.gov.uk/become-a-taxi-driver

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PART 1

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

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Hackney Carriages are defined in section 38 of the Town Police Clauses Act 1847 as:

“Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street...”

Private Hire Vehicles are defined in section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976 as:

“A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers”

There are differences between the activities that Hackney Carriages and Private Hire Vehicles may carry out. These are outlined in the table below:

Type of Work/ Business/ Vehicle	Hackney Carriage	Private Hire
Picking up people from a rank	Only Hackney Carriage Vehicles can use ranks	Private Hire Vehicles <u>cannot</u> use ranks
Picking up people who flag down (hail) on the street	Only Hackney Carriage Vehicles can ply for hire, only within Cambridge City (accept a flag down/ be hailed in the street)	Private Hire Vehicles <u>cannot</u> ply for hire (accept a flag down/ be hailed in the street)
Accept pre-booked journeys from a Licensed Private Hire operator	Hackney Carriage Vehicles can accept bookings from a licensed Private Hire operator and can take bookings directly	Private Hire Vehicles <u>can only</u> accept bookings from a licensed Private Hire operator

1. Vehicle Specification for Hackney Carriages and Private Hire Vehicles

- ❑ A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old.
- ❑ A vehicle licence will not be renewed unless the vehicle is less than 9 years old.
- ❑ No vehicle will be considered acceptable for licensing as a Hackney Carriage (or Private Hire Vehicle) unless it is a category M1 type vehicle. Category M1 is defined as a vehicle designed and constructed for the carriage of passengers and comprises no more than eight seats in addition to the driver's seat.

All vehicles must comply with the Vehicle Standards as set out in Appendix G

No vehicle will be considered acceptable for licensing as a Hackney Carriage Vehicle or Wheelchair Accessible Private Hire Vehicle unless it has been through one of the following type approval schemes and unaltered since that time:

- (i) European Community Whole Vehicle (M1) Type Approval,
- (ii) M1 Low Volume Type Approval
- (iii) National Small Series Type Approval
- (iv) Individual Vehicle Approval

EC Whole Vehicle Type Approval (ECWVTA)

This process provides a mechanism for ensuring that vehicles meet relevant environmental, safety and security standards. Because it is not practical to test every single vehicle made, one production vehicle is tested as being representative of the 'type'. Once all of the system and component approvals are in place, the vehicle will be considered as a whole by a designated approval body; in the UK this is VCA.

A successful inspection will result in the issue of a European Whole Vehicle Type Approval Certificate. This certification will be accepted throughout the EU without the need for further testing until a standard is updated or your design changes or is altered. Once a vehicle is approved, the manufacturer should have processes in place to produce a Certificate of Conformity (CofC) for each vehicle manufactured.

Low volume Type Approval

Full EC whole vehicle type approval (ECWVTA) won't suit everyone, particularly those manufacturing vehicles in low numbers. In recognition of this fact there are a number of other approval routes available, including National Small Series Type Approval as detailed below:

a) National Small Series Type Approval

National Small Series Type Approval is a UK national scheme for low volume manufacturers who intend to sell only in the UK. The advantages of NSSTA are relaxed technical requirements for some subjects, a more pragmatic approach to the Conformity of Production (CoP) requirements, and reduction in administrative requirements. Like ECWVTA, once the design is approved, individual vehicles do not need to be tested.

b) European Small Series Type Approval

EC Small Series Type Approval (EC SSTA) has been created for low volume car (category M1) and light van / light truck (category N1) producers only. Like full European Community Whole Vehicle Type Approval (ECWVTA) EC SSTA will allow Europe wide sales but with technical and administrative requirements that are more adapted to smaller businesses.

c) Individual Vehicle Approval

Individual Vehicle Approval is a UK national scheme and the most likely route for those manufacturing or importing single vehicles or very small numbers. IVA does not require CoP as it is based on inspection of each vehicle by DVSA, although most bodybuilders and converters will work with manufacturers to ensure there is no warranty compromise

Before purchasing a vehicle for use as a wheelchair accessible vehicle you must ensure that the final vehicle build meets one of the above.

2. Vehicle Specification for Hackney Carriages only

A vehicle Licence will only be granted in respect of a Hackney Carriage if Cambridge City Council door crests are attached to both the nearside and offside front doors of the vehicle, where the door crests are a minimum of 9.5 inches in diameter if circular in size or 10 inches by 10 inches in width and height if square.

A Hackney Carriage Vehicle Licence will only be granted in respect of a “new vehicle” if it is a wheelchair accessible vehicle.

The requirements of these vehicles are:

- The vehicle shall have a minimum door height and width and internal headroom equal to or larger than a London Taxi International FX4 Fairway Taxi. (These measurements are door width 680mm: door height 1270mm and inside height floor to roof 1320mm:)
- Any aisle / gangway in such a vehicle should measure at least as wide as the minimum seat measurements.
- That they are capable of loading from the nearside.

3. Vehicle Specification for Private Hire Vehicles only

The Council cannot licence a vehicle as a Private Hire Vehicle if it is of an appearance or design that is considered likely to lead the public to think that it is a Hackney Carriage. TXI's (London type taxi cabs) or other purpose built vehicles will therefore not be licensed as Private Hire Vehicles.

All Private Hire Vehicles must have displayed on their door sign in 1" lettering the words: **'Private Hire Vehicle – Pre Booked Only'**.

4. Application Procedure

The stages in applying for a Hackney Carriage or Private Hire Vehicle Licence are set out in Appendix I.

Please note:

If a Vehicle Licence is in force when the vehicle is tested and it fails the test, the Licence will be suspended.

The vehicle cannot be used again for Hackney Carriage or Private Hire purposes until either a test has been passed and the suspension has been lifted or where the Licence expires following the suspension, until a new Licence is issued.

If you fail to attend a vehicle test, or if the vehicle fails to keep an appointment for a test, and if less than 24 hours' notice is given, the fee will be forfeited.

5. Limitation of Hackney Carriage Vehicles

The City Council has limited the number of Hackney Carriage licences which it will issue to 321, which was the number issued by Committee on 26th January 2015, the date on which the limit was set.

The decision followed a demand survey in which 936 members of the taxi trade were consulted.

The decision means that no further licences will be issued until vacancies occur, as a result of licences being surrendered or revoked.

A system of Expressions of Interest has been set up, in order to manage the potential demand for licences should vacancies occur. However as the number of expressions received has been significant, the list has been closed, and expressions received after 1st May 2015 will not be registered.

Further details can be found within the Hackney Carriage Vehicle Licence Expressions of Interest guidance procedure: www.cambridge.gov.uk/become-a-taxi-driver

There are no powers for the City Council to limit the number of Private Hire Vehicles.

6. Renewal of Licences

Vehicle Licences will generally be issued for 1 year.

The application procedure is as outlined in appendix I.

The responsibility for applying to renew a Licence rests solely with the Licence holder.

Prior to the expiry of a Licence, the Proprietor must make arrangements to commence the renewal process should they wish to do so.

7. Testing of Vehicles

The Council requires that all licensed vehicles are tested at least twice a year. The first test must be carried out prior to the grant of the Licence (when a Certificate of Compliance will be issued for 6 months) and the second test must be carried out prior to the expiry of the Certificate of Compliance issued on passing the first test.

The expiry date of the Certificate of Compliance will be:

- six months minus one day from the date of the test (for the first test);
- the expiry date of the Licence period (for the second test).

For a vehicle to pass a test, it must comply with both:

- Vehicle mechanical standard and;
- Vehicle visual standard

Before the test you must ensure that your vehicle is clean inside and out. You must be aware that dirty vehicles will not be examined and the test fee will still be due.

If the vehicle fails the test you must rectify the points and make an appointment for a retest. The vehicle cannot be used without a current and valid Certificate of Compliance being in force.

Where a vehicle licence has been suspended, the Council may attach a 'Licence Suspended' sticker to the licence plate or may remove the plate from the vehicle.

A charge will be made to replace a suspended plate.

Vehicle Standards are set out in Appendix G.

8. Display of Licence Plates

For Hackney Carriage Vehicles, the Licence plate must be securely fixed to the external rear of the vehicle.

For Private Hire Vehicles, the Licence plates must be securely fixed to the external front and rear of the vehicle.

In both cases, the plates should be fixed securely in such a position so they are in a conspicuous position and easily visible by an Authorised Officer of the Council or a Police Officer. Fixing kits will be provided for this purpose.

9. Plate Exemptions (Private Hire Vehicles Only)

The plate identifying the vehicle as a Private Hire Vehicle is required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Misc. Provisions) Act 1976 shall be securely fixed to the external front and rear of the vehicle in a conspicuous position and in such manner as to be easily visible by an authorised officer of the Council, or a Police Officer.

However, Cambridge City Council's policy allows proprietors of prestige type vehicles to seek permission to waive the requirement to display plates.

The process for obtaining a plate exemption for a private hire vehicle can be found in Appendix H.

The associated documentation relating to Plate Exemption can be found online here:

<https://www.cambridge.gov.uk/exemptions-for-taxi-drivers>

10. Vehicle Licence Conditions

There are conditions attached to both Hackney Carriage and Private Hire Vehicle Licences. Once a Licence has been granted, the vehicle is deemed a licensed vehicle 24 hours a day until such time as the Licence expires or it is surrendered, suspended or revoked. Therefore the conditions attached to the Licence apply at all times and not just when the vehicle is being used for hire and reward.

The Vehicle Licence conditions can be found in Appendix B.

11. Advertising on Vehicles

Advertising on Private Hire Vehicles is not permitted in accordance with the Council's policy.

Limited advertising on Hackney Carriages is permitted subject to the prior written

approval of the Council. However, it is unlikely that advertising will be approved if it contains:

- i) Political, ethnic, religious, sexual or controversial subjects
- ii) Escort agencies, gambling establishments or massage parlours
- iii) Nude or semi-nude figures
- iv) Tobacco or alcohol
- v) Anything likely to offend public taste

Further to this, the following restrictions apply to external advertising on Hackney Carriages:

- i) Advertisements must not obscure or distract attention from the Cambridge City Hackney Crest and must be placed at least 20 centimetres distance from the Crest
- ii) No advert shall be reflective
- iii) No advert shall have the potential under any circumstances to distract other road users
- iv) There shall be no advertising on any window

Internal advertising is permitted in Hackney Carriages:

- a) on the base of the lift up (tip up) seats or
- b) on media screens mounted on the glazed partition immediately behind the driver's head but no other advertising material may be placed on the glazed passenger driver partition
- c) On a media screen mounted in the front seat headrests.

The following restrictions apply to internal advertising in Hackney Carriages

- i) No media screen is permitted to have accompanying sound.
- ii) All paper-based advertisements must be encapsulated in clear non-flammable plastic.
- iii) Advertisements must be of such form as not to become easily soiled or detached.
- i) No advertisement will be permitted which impedes the vision of the driver or passenger.
- ii) Advertising material must not interfere with any equipment normally fitted to the taxi
- iii) The equipment should not be used to the annoyance of any passenger and shall be switched off if requested.

In order to apply for approval of the Council for advertising you must submit the following information to the Licensing & Enforcement Team:

1. The vehicle registration number
2. The vehicle licence number
3. Full details of all proprietors
4. Details of the design and wording (with picture examples if possible)
5. Details of the duration of the advertisement

This information should be emailed to taxi@cambridge.gov.uk for consideration and will be considered by the Licensing & Enforcement Team as soon as is reasonably

possible.

Any details relating to advertising on vehicles will be retained on file.

12. Vehicle Incidents

In the event that a vehicle is involved in a collision or incident the Council must be notified as soon as is reasonably practicable and definitely within 72 hours.

Further guidance on what to do and how can be found at Appendix L.

13. Replacement Vehicles

The replacement vehicle procedure can be found at Appendix M.

14. Spare Wheels

Spare wheels or space saving wheels should only be used with the understanding that the journey is finished and then a replacement wheel is obtained and fitted to the vehicle.

15. Vehicle Unfit for the Conveyance of Passengers

An authorised officer of the Council or any constable may at any reasonable time inspect and test any hackney carriage or private hire vehicle licensed by the Authority or the taximeter affixed to such vehicle for the purpose of ascertaining its fitness. If the authorised officer is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter, the officer may give notice in writing to require the proprietor of the vehicle to make the vehicle available for further inspection and testing at such reasonable time and place as specified in the notice, and suspend the licence until such time as the officer is satisfied that the vehicle or meter is again fit for purpose.

The suspension notice will remain in place until such time as the Officer issuing the notice is satisfied that the grounds for suspension have been satisfactorily resolved. Written confirmation of the lifting of the suspension notice will be given.

If the Authorised Officer or constable who issued the suspension notice is not satisfied as to the fitness of the vehicle or its taximeter before the expiration of a period of two months, the licence will, by virtue of the provisions of section 68, be deemed to have been revoked.

Where a licence is deemed to be revoked, the Licensing Authority will write to the proprietor of the vehicle giving notice of the grounds on which the licence has been revoked within 14 days of the deemed revocation. The proprietor may appeal to the Magistrates' Court.

PART 2

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

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It is an offence to drive a licensed Hackney Carriage or Private Hire Vehicle unless the same Local Authority that licensed the vehicle has licensed the driver to drive that type of vehicle. In order to obtain a Hackney Carriage or Private Hire Driver Licence, you must complete all licensing procedures. If you wish to drive both Hackney Carriage and Private Hire Vehicles then you will need to hold a Driver Licence for both types of vehicle.

The Council will only grant a Licence if it is satisfied that the applicant is a “fit and proper” person.

However, the Council cannot grant a Licence to drive Hackney Carriages or Private Hire Vehicles unless the applicant has held a full UK (United Kingdom) or EC/EEA (European Community/ European Economic Area) Driving Licence for **AT LEAST** one year.

Before applying for a licence, you should carefully read the Council’s licensing byelaws (Appendix A) and conditions (Appendix B) and satisfy yourself that you will be able to comply with these conditions at all times. Failure to comply with these conditions may result in your licence being suspended or revoked and in certain circumstances, could lead to prosecution.

You are also advised to read the Grounds for Disbarment which can be found in Appendix D.

16. Application Procedure for First Time Applicants

The stages in applying for a Hackney Carriage, Private Hire or Dual Driver Licence for the first time are set down in the guidance for new applicants at Appendix J.

On submission of a complete application, the application will be determined as follows:

- i. Provided that the applicant doesn’t fall within the ground for disbarment as detailed in Appendix D, they will be deemed a ‘fit and proper’ person and the Licence will be granted for a period of either 1 year or 3 years depending on the application.
- ii. If the applicant falls within the grounds for disbarment the application will be referred for consideration by Cambridge City Council’s Licensing Committee (see ‘Hackney Carriage and Private Hire Enforcement Management System’ in Appendix D).

17. Renewal of Licences

A Hackney Carriage, Private Hire or Dual Driver Licence will be issued to a first-time applicant for a maximum period of 1 year. The Licence may be subsequently renewed for a period of 1 year or for 3 years.

There are exceptions when an individual may not be permitted to hold a 3 year licence. Examples of this include where there set time restrictions on an individual's right to remain in the UK or time restrictions on the DVLA licence. Each case will be assessed individually.

The procedure for renewing a Driver Licence can be found at Appendix N.

On renewing a Licence, a DBS Check is required every third year for annual Licences (See 'Disclosure & Barring Service (DBS) / Certificate of Good Conduct' below). If an applicant is applying for a 3 year Licence, a DBS Check will be required prior to the 3 year Licence being granted This may mean that when applying for a 3 year Licence on expiry of a 1 year Licence, the interval between successive DBS Checks is less than 3 years but this will be necessary to ensure that the time interval between successive DBS Check does not exceed 3 years.

Additionally, it may be necessary for the applicant to submit a satisfactory medical certificate on applying to renew a Licence (See 'Medical Reports' section).

In cases where a DBS Check is required, the application must be made a minimum of 8 weeks prior to the expiry of the Licence to ensure that the DBS Check is returned to the applicant and brought in for sign off by the Licensing Team. This will allow for the Licence to be issued prior to the expiry date of the Licence. If an appointment is not made 8 weeks prior to the expiry of the Licence, the new Licence will not be issued until the DBS is returned and signed off by the Licensing Team.

For the submission of an application to renew a Licence where a DBS Check is not required, an appointment must be made to see an Officer of the Customer Service Centre and, as long as all elements of the renewal application are complete, the licence and badge will be produced during the appointment.

In addition:

On submission of a complete application, the application will be determined as follows:

- i) Provided that the applicant doesn't fall within the grounds for disbarment as detailed in Appendix ?, they will be deemed a 'fit and proper' person and the Licence will be granted for a period of either 1 year or 3 years depending on the application.
- ii) If the applicant falls within the grounds for disbarment the application will be referred for consideration in accordance with the Scheme of Delegation as set down in the Hackney Carriage and Private Hire Licensing Policy.

18. Knowledge Test

All new applicants for a driver licence must undertake and pass a Knowledge Test prior to completing the application process.

The process for becoming a Taxi Driver can be found at Appendix J.

The test is administered electronically and the applicant will undertake the test under supervision using a computer. The test is divided into the following areas:

1. General
2. Points of Interest
3. Numeracy
4. Conditions & Policy
5. Highway Code
6. Signage
7. Shortest Routes

An applicant may take a maximum of four attempts at passing the test. Each time the applicant applies to sit a test; they must pay the current fee (See Appendix F).

If the applicant fails four tests, their application will be rejected and they are recommended to wait to reapply for a period of 6 months from the date of their last attempt at passing the test.

If after a year from your Knowledge Test Registration you have not passed the Knowledge Test your details will be removed from our system.

Further details on the Knowledge Test can be found at Appendix K.

19. Driver and Vehicle Licensing Agency (DVLA) Checks

The Council requires new and renewal applicants to provide access to records held by the DVLA, including eligibility to drive and endorsements for road traffic offences in order that consideration can be given as to whether an applicant or existing licence holder is a fit and proper person to be licensed.

The Council checks that the information which has been submitted by the applicant matches up with information held by the DVLA and in completing the necessary application or renewal work, individuals give permission for this to take place. There is a set fee for this service.

20. Eligibility to Live and Work in the UK

If an individual is not a UK or EEA national then they will need to obtain permission to live and work in the UK.

Individuals may have a permanent or temporary right to live and work in the UK. Licences will not be issued for a period any longer than the length of an individual's permission to live and work in the UK.

Applicants must provide evidence that they are eligible to live and work in the UK (Immigration, Asylum and Nationality Act 2006). If eligibility is only given for a limited time period, the applicant will be required to provide evidence on their eligibility to live and work in the UK when applying to renew a Licence.

21. DBS (Disclosure & Barring Service) Check / Certificate of Good Conduct

An **Enhanced DBS Check** (DBS) will be sought on first application for a driver's licence and every three years thereafter. DBS checks from other sources cannot be accepted. All applicants for Driver Licences will need to apply for a DBS Check through Cambridge City Council.

For individuals who are applying for, or renewing, a Proprietor or Operator Licence and are not already licensed as a driver with Cambridge City Council, an Enhanced DBS check will need to be obtained upon application and presented as part of the application documentation. A renewal of the DBS will need to be completed every three years.

Additionally, any applicant who has lived abroad for any time in the five-year period immediately prior to applying for a Licence is required to provide a **Certificate of Good Conduct** authenticated and translated by the relevant embassy. This is used to determine whether an applicant is a 'fit and proper' person to hold a Driver Licence.

The Disclosure & Barring Service (DBS) is an Executive Agency of the Home Office and exists to assist organisations wanting to access police and other relevant information pertaining to an individual's criminal record.

Cambridge City Council is registered with the Disclosure and Barring Service (DBS) to carry out Criminal Record Checks. A Criminal Records Check is used to assess an applicants' suitability for the role of either a Driver, Proprietor or Operator. These particular roles are exempt from the provisions of the Rehabilitation of Offenders Act.

For posts that involve working with children, young people and vulnerable adults, which are exempt, all convictions, cautions, reprimands or final warnings which would appear on a DBS certificate (see below) should be disclosed, whether 'spent' or 'unspent'.

Therefore, in the boxes provided on the application form applicants must list/declare Convictions, Police Cautions, Warnings and Reprimands for offences including Traffic Offences and Fixed Penalty Endorsements.

It is essential that all relevant information is declared at the time of application or renewal. Failure to do so could have an impact on the issue of a licence and could potentially result in the suspension or revocation of a licence.

Following a DBS application being made, the DBS Disclosure Certificate is sent to

the applicant and as part of the application process, they are required to present the original certificate to the Licensing Authority.

Some Police National Computer information will now be filtered and will not appear on the certificate. Cautions and convictions filtered out are set out in legislation. The legislation states that a certificate must include the following:

- Cautions relating to an offence from a list agreed by Parliament– see below
- Cautions given less than 6 years ago (where individual over 18 at the time of caution)
- Cautions given less than 2 years ago (where individual under 18 at the time of caution)
- Convictions relating to an offence from a prescribed list - see below
- Where the individual has more than one conviction all convictions will be included on the certificate (no conviction will be filtered)
- Convictions that resulted in a custodial sentence (regardless of whether served)
- Convictions given less than 11 years ago (where individual over 18 at the time of conviction)
- Convictions given less than 5.5 years ago (where individual under 18 at the time of conviction)

The list includes a range of offences which are serious and which relate to sexual offending, violent offending and/or safeguarding. It would never be appropriate to filter offences on this list. A list of offences which will never be filtered has been derived from the legislation and is available at the following link:

www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check

This is not the complete list as the legislation also extends to cover similar offences committed under the law of Scotland and Northern Ireland or under laws relevant to the armed services.

Enhanced DBS certificates - will include details of convictions and cautions (including youth cautions, reprimands and warnings) recorded on the Police National Computer (PNC).

In addition to information from the PNC, an Enhanced certificate may also include information taken from police records that a chief officer of a police force considers relevant to the application and/or details of whether an individual is included on one or both of our two lists barring people from working with children and/or vulnerable adults.

This information, along with the other aspects of the application process, will be used to ensure that Cambridge City Council can be satisfied that you are a “fit and proper” person to hold a hackney carriage, private hire or dual driver licence.

22. DBS (Disclosure & Barring Service) Update Service

Cambridge City Council would strongly recommend that licence holders sign up to the DBS Update Service. Not only does it save individuals time and money, it has the potential to remove the possibility of you being unable to work if there are delays in the return of your DBS certificate.

What is the DBS Update Service?

For an annual subscription of £13 you can have your DBS Certificate kept up-to-date and take it with you from role to role, within the same workforce, where the same type of level and check is required.

By subscribing to the update service you will save yourself time and money depending upon how many DBS checks you have required in the past.

How do you access the Update Service?

You can subscribe to the Update Service online at www.gov.uk/dbs-update-service

You can register online as soon as you have your application form reference number (you can ask for the number when you apply for your DBS check).

Alternatively, you can wait and register with your DBS certificate number when you receive your DBS certificate. If so, you must do so within 19 days of the certificate being issued.

What are the benefits of joining the Update Service?

- Saves you time and money. You pay £13 a year as opposed to £44 for each DBS check every 3 years. Also as your DBS status can be checked instantly, you no longer need to wait for the certificate to be returned. This could potentially remove the chances of your licence expiring and not being able to work.
- One DBS certificate is all you may ever need.
- Take your DBS certificate from role to role within the same workforce.
- You are in control of your DBS certificate.

What else you need to know

Make a note of your unique ID. It will begin with the letter C and is followed with 10 randomly selected numbers. This number will allow you to access your account, view your certificates and make any changes to your contact details.

Keep the original DBS certificate used to sign up to the Update Service in a safe and secure place. The certificate number found on the top right-hand side of the certificate will be needed by Cambridge City Council when checking your DBS status. The original certificate will also need to be seen at your renewal appointment.

It is your responsibility to keep your subscription to the Update Service current and inform them of any changes in your circumstances. If your subscription has lapsed or there have been changes to the information on your certificate, you will need to complete a new DBS application at the time of your renewal.

Individuals will be asked, as part of the application form, to give their consent for Cambridge City Council to use their current DBS certificate to carry out an online

- Take a blank copy of the Group II Medical Assessment Report Form to the GP/ Approved Practice for completion.
- After the assessment, submit the completed original Medical Assessment Report Form to the Licensing Office as soon as possible.

A copy of the Group II Medical Assessment Report Form can be downloaded from our website www.cambridge.gov.uk/become-a-taxi-driver .

- ❑ **Medicals are required for all new applicants, but the certificate must not be dated more than 1 month prior to the completion of all stages of the application process.**
- ❑ **After the initial medical, medicals are then required every five years until the age of 60**
- ❑ **Once a driver has reached the age of 60 a medical will be required annually**
- ❑ **Holders of current PSV and/or HGV licences who can produce evidence of a current medical examination (not more than one month old) will not be required to undergo a further medical examination before the grant of a new or renewal of an existing licence**
- ❑ **If, once licensed, a drivers medical circumstances change during the period which the licence is held, the driver must notify the Licensing Authority within 7 days. Each case will be assessed on its own merits.**

It is the applicant's responsibility to pay all of the expenses that they incur in satisfying the medical criteria, which may include the cost of undertaking an exercise or other form of test to ascertain fitness to drive. The necessity to undertake any form of testing will be determined by the medical practitioner in line with the DVLA's guidelines.

In the case of renewal applications, please note the following:

- a) If a medical is required and you are requesting a 1 year licence, the medical must be provided at the renewal appointment.
- b) If a medical is required and you are requesting a 3 year licence, the medical must be provided to the Licensing Team no later than 14 days after the date the medical is due.

FAILURE TO PROVIDE AN UP TO DATE MEDICAL ASSESSMENT CERTIFICATE COULD RESULT IN THE SUSPENSION OR REVOCATION OF YOUR LICENCE.

Licence holders and applicants must consider the medical conditions listed below as the Licensing Authority may refuse to grant an application or revoke an existing

licence where an applicant has any of the listed conditions:

<p>Epilepsy or liability to epileptic attacks</p>	<p>A diagnosis of epilepsy or spontaneous epileptic attack(s) requires 10 years free of further epileptic attack without taking anti-epilepsy medication during that 10-year period.</p> <p>For conditions that cause an increased liability to epileptic attacks, the risk of attacks must fall to that of the general population.</p> <p>The DVLA must refuse or revoke the licence if these conditions cannot be met.</p>
<p>Diabetes</p>	<p>Insulin treated diabetics may be licensed subject to strict criteria and a medical test for C1 vehicle usage. The following criteria must be met in order that a licence can be granted:</p> <ul style="list-style-type: none"> a) No application for a licence or, in the case of an existing licensed driver, no licence vehicle may be driven until their condition has been stable for a period of at least one month b) Drivers must not have had any hypoglycaemic attacks requiring assistance whilst driving within the previous twelve months c) Drivers must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. d) Drivers must arrange to be examined every 12 months by a hospital consultant who specialised in diabetes. At the examination the consultant will require sight of their blood glucose levels for the last 3 months e) Drivers must have no other medical condition which would render the driver a danger when driving C1 vehicles or hackney carriage/ private hire vehicles f) Drivers must sign an undertaking to comply with the directions of the doctor(s) or specialist medical advisor visited at least every six months and treating the diabetes and report immediately to Cambridge City Council any significant change in their condition g) A medical checklist should be completed by specialist medical advisor and submitted to the licensing team annually

Eyesight

All applicants, for any category of vehicle, must be able to read in good light with glasses or corrective lenses if necessary, a number plate at 20.5 metres (67 feet) or 20 metres (65 feet) where narrower characters are displayed (50mm wide).

The characters on all new and replacement number plates manufactured from September 2001 are 50mm in width instead of 57mm.

Applicants for medium/large goods vehicles or passenger carrying vehicle entitlements must by law have:

- A visual acuity of at least 6/9 in the better eye; and
- A visual acuity of at least 6/12 in the worse eye: and
- If these are achieved by correction, the uncorrected visual acuity in each eye must be no less than 3/60.

An applicant who held a licence before 1 January 1997 and who has an uncorrected acuity of less than 6/30 in only one eye may be able to meet the required standard and should check with Drivers Medical Group, DVLA about the requirement.

An applicant who has held an LGV/PCV (formerly HGV/PSV) licence before 1 March 1992 but who does not meet the standard above may still qualify for a licence.

Information about the standard and other requirements can be obtained from the DVLA.

Normal binocular field

The 2nd E.C. Directive requires a normal binocular field of vision for Group 2 drivers.

Monocular vision

Drivers who have monocular vision are barred in law from holding C, C1 (12 tonnes combined), D or D1 entitlements. The only exceptions are those drivers whose C or D entitlements had been issued prior to 1/1/91 in the knowledge of monocularity and were still in force 1/1/91 or drivers who passed a C1 test prior to 1/1/97.

A minimum acuity of 6/12 is required if licensed on 1/1/1983 and 6/9 if since. A certificate of recent driving experience will also be required. DVLA will send this certificate to you for completion on receipt of a valid application.

Drivers whose best vision in one eye has deteriorated since the previous application to less than 3/10 will be considered functionally monocular and a Group 2 licence will be refused.

Uncontrolled symptoms of double vision

Uncontrolled symptoms of double vision preclude licensing. As monocularity is a bar, the treatment of double vision with a patch is not acceptable for Group 2 driving.

An applicant who is in doubt about the required eyesight standard should check with the DVLA.

Other Medical Conditions

In addition to those medical conditions covered by law, applicants (or licence holders) are likely to be refused if they are unable to meet the recommended medical guidelines in the following situations:

- Within 6 weeks of: myocardial infarction, and episode of unstable angina, CABG or coronary angioplasty.
- Angina, heart failure or cardiac arrhythmia that remains uncontrolled.
- Implanted cardiac defibrillator.
- Hypertension where blood pressure is persistently 180 systolic or more and/or 100 diastolic or more.
- A stroke or TIA within the last 12 months.
- Unexplained loss of consciousness with liability to recurrence.
- Meniere's, or any other sudden and disabling vertigo within the past 1 year, with a liability to recurrence.
- Insuperable difficulty in communicating by telephone in an emergency.
- Major brain surgery and/or recent severe head injury with serious continuing after effects.
- Parkinson's disease, multiple sclerosis or other chronic neurological disorders with symptoms likely to affect safe driving.
- Psychotic illness, within the past 3 years.
- Serious psychiatric illness.
- If major psychotropic or neuroleptic medication is being taken.
- Alcohol and/or drug misuse within the past 1 year or alcohol and/or drug dependency in the past 3 years.
- Dementia
- Any malignant condition, within the last 2 years, with a significant liability to metastasise (spread) to the brain.
- Any other serious medical condition likely to affect the safe driving of a passenger carrying vehicle.

You must tell DVLA if you have a driving licence and:

- you develop a 'notifiable' medical condition or disability
- a condition or disability has got worse since you got your licence

Notifiable conditions are anything that could affect your ability to drive safely. They can include:

- epilepsy
- strokes

- other neurological and mental health conditions
- physical disabilities
- visual impairments

You could be fined up to £1,000 if you don't tell DVLA about a condition that might affect your ability to drive safely. You could also be prosecuted if you have an accident.

25. Mid-Year Medicals

Not all medicals will fall in line with licence renewal dates.

All drivers will be aware of when their next medical is due as this information is printed on their Hackney Carriage, Private Hire or Dual Driver licence.

It is the drivers' responsibility to:

- Book an appointment for a Group II Medical Assessment with their GP or with a Doctor at the City Council's approved practice.
- Take a blank copy of the Group II Medical Assessment Report Form to the GP/ Approved Practice for completion.
- After the assessment, submit the completed original Medical Assessment Report Form to the Licensing Office as soon as possible.

All information will be treated in the strictest confidence and in accordance with our registration with the Data Protection Commissioner.

A copy of the Group II Medical Assessment Report Form can be downloaded from our website here: <https://www.cambridge.gov.uk/become-a-taxi-driver> .

Where a medical is due for a driver who holds a 1 year City Council licence, they will be required to submit this at the time of their renewal. Where a medical is due for a driver who holds a 3 year City Council licence (mid licence), they will be required to submit the medical certificate no later than 14 days after the date which it becomes due.

If a driver is found to be in breach of City Council Policy by failing to provide a valid medical assessment certificate, this could lead to Licensing Sub Committee considering the fitness of a driver which could potentially then lead to the suspension or revocation of their City Council driver licence.

26. Driver Licence Exemptions

The Equality Act 2010 places responsibility on service providers to make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

In some circumstances a driver of a Hackney Carriage or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, short or long term.

Full Details on Driver Licence Exemptions can be found at Appendix O.

27. Training for Drivers

Cambridge City Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

Safeguarding is the process of protecting children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect, and physical, emotional and sexual abuse.

All new hackney carriage, private hire and dual driver, proprietor and operator applicants must attend and pass the mandatory safeguarding training before submitting an application. Further guidance can be found the Hackney Carriage and Private Hire Handbook.

A mandatory refresher of the training will need to be undertaken by all licence holders every three years.

In addition to Safeguarding training, all new drivers must attend Accessibility & Equality Training as part of the application process and where applicable, drivers should also seek to undertake training in the use of wheelchairs, relevant belts and other restraint locking mechanisms.

28. Equality and Diversity Monitoring

Cambridge City Council would like to encourage all of our applicants to complete the equal opportunities monitoring form with their application so that we can assess our performance.

We are committed to being representative of the customer base that we serve, to help us achieve this, we need to have a clear picture of who are customers are.

Equalities monitoring therefore enables us to examine the make-up of the customer base and analyse how practices and procedures affect different groups, address any

inequalities and ensure compliance with legislative requirements.

The monitoring information which we collect will enable us to ensure that our licensing procedures are as fair and accessible as possible. Data will be analysed to spot trends and remove barriers or target areas where our policies and practices can be improved to boost equal opportunity.

If you are concerned about how your data will be stored, accessed or shared, be reassured that it will be kept confidential at all times and in accordance with the Data Protection Act 1998. It will not be accessible to anyone outside of the designated authorised personnel and will be used to monitor the effectiveness of our policies so that we can improve where required. This information will be used for statistical purposes only and you will not be identified in any way.

The monitoring information will be kept separately from any identifying personal information therefore it will be hard to identify you individually from the data which you provide. Any findings published will only ever be anonymised and aggregated.

Only you and designated employees within the licensing and enforcement team will be able to access the data for updating or analysis. The monitoring information you supply will be processed in compliance with the Data Protection Act 1998.

Completing equality monitoring data is not compulsory however; we would encourage you to complete it.

Although you are not obliged to answer every question, by doing so, it helps to ensure that best practice and equal opportunities are upheld and allows for any barriers to diversity to be highlighted.

29. Safety of Drivers

In addition to having a responsibility for the safeguarding of your passengers, keeping yourself safe is also vitally important.

As a taxi driver you are dealing with strangers, often in isolated environments and carrying money. Taking people off the streets or from ranks with no knowledge of their details means that if they cause trouble you are especially vulnerable. If you work at night you are likely to have to deal with people who have drunk too much alcohol. All this means you may be at the risk of violence.

The following points are things that you can do to help you stay safe:

- ❑ If you can, drop off money during your shift so that you carry as little in your car as you can. If can't, keep your cash hidden from view in a secure box.
- ❑ Installing CCTV cameras has been shown to lead to reduced threats and violence against drivers. Signs in the vehicle can highlight the presence of CCTV to passengers. They can be useful if there is a dispute with a passenger as it is not just your word against theirs.
- ❑ Carry with you an explanation of the fare structure so that you can explain it to

- a passenger who may feel that you are over-charging them.
- ❑ Use your radio to tell your controller where you are going and inform them of any changes along the way.
 - ❑ Have a pre-arranged code word that you can use if a passenger becomes threatening so that you can call for help without making the passenger suspicious.
 - ❑ You know that working at night carries most risk of violence, especially as many passengers will have been drinking. Make sure you are not tired as you need to be alert at all times.
 - ❑ Trust your instincts as you have the right to refuse a passenger if you think they may present a risk.
 - ❑ If you have a saloon car, control passenger access to the front. Only open the windows enough to speak to people without them being able to reach in. Only allow them to sit in the front if you wish.
 - ❑ Communication with the passenger is important. Be polite and pleasant.
 - ❑ Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger. It also gives them the message that you could identify them.
 - ❑ Do not volunteer personal information to passengers. You should not mention what time you are finishing a shift or going home.
 - ❑ Explain the route you plan to take if you are going a long way round (for example in order to avoid road works) so as to prevent a dispute over the fare.
 - ❑ If you feel threatened, try to stay calm. Take slow, deep breaths.
 - ❑ Be aware of your own actions and how they may be seen.
 - ❑ Don't offer confrontation, refuse to get into an argument, remain passive and try to not shout back.
 - ❑ Do no attempt to run after a passenger who owes you their fare. Your safety is more important than the money.
 - ❑ If you are attacked, use your horn and lights to attract attention. Contact your control room or call 999 to get help.
 - ❑ Report all violent incidents to the Police.

PART 3

PRIVATE HIRE OPERATORS

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Anyone who in the course of business makes provision for the invitation or acceptance of a booking for a private hire journey is regarded as an Operator and he/ she must hold an Operator's Licence, unless he/ she is covered by an exemption within the 1976 Act.

This means that any individual, group or company which offers or advertises the services of a vehicle with less than 9 passenger seats and a driver for hire and reward is an Operator.

Anyone who makes provision that would enable him to accept bookings for a private hire journey are required to hold an Operator's Licence.

All three Licences (vehicle, driver and operator) MUST be issued by the same Authority.

30. Application Procedure

All proprietors, part owners or other persons with an interest in an Operator's Licence are required to show that they are fit and proper persons to hold such a licence.

Full details on the new and renewal Operator licence procedure can be found at Appendix P.

PART 4

GENERAL

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31. Changes in Circumstances

All Licence holders must inform the Council of any changes in circumstances such as change of address, change of contact number, convictions, change of medical condition or changes to DVLA licence, **as soon possible but not more than 7 days after any such change.**

Failure to update the Licensing Authority on changes in circumstances could have an impact on your licence. For ease of reference, please see the list below. Please note that this list is not exhaustive:

Notification	When
Change of address	Within 7 days
Change of name	Within 7 days
Loss of Driver Badge	Within 7 days
Loss of Vehicle Plate	As soon as possible
Loss of paper licence	Within 7 days
Accident Damage	Within 72 hours
Change in medical circumstances	Within 7 days

Please note that where a loss of badge, plate or licence has occurred the Police also need to be informed and an Incident Number obtained so that we can retain this on our records.

In order to update the Council on any change of circumstances please email taxi@cambridge.gov.uk

Please note that the fees for replacement items or some change of information details can be found in Appendix F.

32. Fares

Hackney Carriage Fares, set by the Council, are the maximum fare that may be charged by a Hackney Carriage within the Council's district. The Council considers it good practice to review the fare scales at annual intervals and will consult in accordance with the statutory procedures set out in the Local Government (Miscellaneous Provisions) Act 1976.

A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Out of District journeys can be negotiated prior to the commencement of the journey in both Private Hire Vehicles and Hackney Carriages.

Private Hire Operators may set their own fares but if a meter is used the fare chart must be displayed in each vehicle so that it is easily visible to all hirers.

33. Passengers

The driver of a licensed vehicle shall not convey or permit to be conveyed in a licensed vehicle a greater number of persons than that prescribed in the licence for the vehicle.

The driver shall at all times comply with the latest legislation regarding the use of seat belts and restraints by all passengers including children and young persons.

34. Seat Belts

Drivers should advise all passengers of the need to wear a seatbelt. Any passenger who fails to wear a seatbelt commits an offence. If the passenger is over 14 years of age the passenger commits the offence, but any passenger under 14 years old is the responsibility of the driver and the driver commits the offence.

Drivers – under the requirements of the Motor Vehicles (Wearing of Seatbelts) Regulations 1993 the driver of a licensed vehicle is not required to wear a seatbelt in the following circumstances:

- **Hackney Carriage Vehicles** – whilst the vehicle is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire.
- **Private Hire Vehicles** – whilst the vehicle is being used to carry a passenger for hire.

The following diagram outlines the responsibilities of individuals riding in vehicles:

	FRONT SEAT	REAR SEAT	WHO IS RESPONSIBLE
Driver	Seat belt must be worn if fitted		Driver
Child under 3 years of age	Correct child restraint must be used	Correct child restraint must be used. If one is not available in a Hackney Carriage, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135 cm in height (12th birthday, whichever they reach first)	Correct child restraint must be used	Correct child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if correct child restraint is not available <ul style="list-style-type: none"> - in a Hackney Carriage Vehicle - for a short distance in an unexpected necessity; - if two occupied child restraints prevent fitting a third. 	Driver
Child 12 or 13, or over 135cms in height	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Driver
Adult Passengers	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

35. Animals

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

Assistance dogs accompanied by their owners shall be carried free of charge. All vehicles and drivers must comply with the requirements of the Equality Act 2010.

The driver shall not convey in any licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle. Any animal belonging to or in the custody of a passenger may be conveyed in a vehicle at the discretion of the driver. The driver shall ensure that the animal is adequately restrained and kept in such a position so as not to distract the driver or otherwise be a cause of danger or nuisance.

36. Lost Property

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

The driver shall, if any property left therein by any person who may have been conveyed in the vehicle be found by or handed to him, carry it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner to the Operator or to the Licensing Authority for retaining for a suitable time period for collection by the owner.

37. Luggage

Drivers of licensed vehicles when requested by the person hiring the vehicle shall: convey a reasonable amount of luggage;

- a) afford reasonable assistance in loading and unloading;
- b) afford reasonable assistance in removing it to or from the entrance of any building, station or any place at which he may take up or sent down such person

38. Mobile Telephones

It is illegal to drive using hand held telephones or similar devices. This includes:

- when you are stopped at traffic lights
- when you are queuing in traffic
- to receive calls, text messages, pictures or to access the internet

39. Smoking

The driver of a licensed vehicle must not smoke in the vehicle at any time, including when the vehicle is being used for social, domestic and pleasure purposes.

The driver of a licensed vehicle shall not permit any other person or fare-paying passengers to smoke in a licensed vehicle.

This also includes a ban in electronic inhaler type cigarettes and 'vaping'.

40. Receipts

The driver shall if requested by the hirer or passengers of a licensed vehicle provide a written receipt for the fare paid. This shall be in such a form as to identify the company or individual providing the receipt.

41. Driver's Badges

When granted a Licence, drivers are issued with a badge. The driver must wear the badge at all times when they are working or display it within the vehicle so that it is clearly visible at all times.

As a security measure if a badge is lost or stolen this must be reported to the police. A replacement badge will be issued, following the payment of the appropriate fee, once a Police Incident Number (PIN) is provided to the Licensing Authority. This will need to be reported to the Police as badge "lost or stolen" in order for a PIN to be issued.

The driver's badge shall at all times remain the property of Cambridge City Council and upon the Council suspending, revoking or refusing to renew this licence, the licensee shall, on demand, return the badge to the Council.

42. Driver's Licence

The driver shall at all times carry their copy of the driver's licence and shall make it available for inspection upon request.

If the driver is permitted or employed to drive a licensed vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit his licence with that proprietor for retention by him until such a time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

43. Loss of Vehicle, Driver or Operator Licence

This loss of a Licence (including driver badges or vehicle plates as appropriate) should be reported immediately to the Licensing Team. A duplicate will be issued upon receipt of the appropriate payment, along with details of the Police Incident

Number.

44. Access Exceptions

In some of the roads surrounding the Cambridge historic centre there are rising bollards that control traffic in and out of the centre and these are located in the following streets:

- **Bridge Street:** Closed 24 hours a day every day
- **Emmanuel Road:** Closed 24 hours a day every day
- **King's Parade:** Closed 9am to 6pm every day
- **Regent Street:** Closed 24 hours a day every day heading towards the city centre. The other carriageway isn't restricted
- **Silver Street:** Closed both ways midnight to 6am and 10am to 4pm. Open inbound only 6am to 10am. Open outbound only 4pm to midnight
- **St John's Street:** Closed 10am to 4pm Monday to Saturday

In central Cambridge a pedestrian priority area operates 24 hours a day, 7 days a week, and access is further restricted between 10am and 4pm Monday to Saturday. Between these hours there is no access for vehicles except for emergency vehicles or drivers who have been issued with an access permit.

The access permit system is administered on behalf of Cambridgeshire County Council by Cambridge City Council and is subject to an agreed fee (as detailed in Appendix F).

When granted an access permit, the details of the vehicle licence and the proprietor is retained on file.

The granting of such access by Cambridgeshire County Council under the provisions of the various traffic orders that close roads within Cambridge Core Traffic Scheme Area is discretionary and may be withdrawn by Cambridgeshire County Council at any time.

Furthermore:

- Any equipment issued (or permission granted) for such access remains the property of Cambridgeshire County Council and is not transferable.
- Cambridgeshire County Council or their agent must be advised when changes are made to the conditions under which any equipment or permissions were issued.
- In the event that any equipment is surrendered, it will need to be returned to Cambridge City Council. If the equipment returned is the one which matches with our records and is in full working order then we can at the Licensing & Enforcement Managers discretion, make arrangements for the necessary deposit to be refunded to you.
- Any permissions surrendered or changes made to details may be

subject to an administration fee.

45. Disability Access Statement

Hackney Carriage and Private Hire Disability Access Statement

Introduction

It is important that drivers and operators licensed by Cambridge City Council are aware of their obligations concerning the transport of disabled passengers in wheelchairs and those accompanied by assistance dogs.

The Equality Act 2010 defines a disabled person as someone who has “a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on their ability to do normal daily activities”. This covers a diverse range of conditions including people suffering from arthritis through to those who are wheelchair bound. Drivers therefore need to acknowledge that not all disabilities are not visible and provide appropriate assistance where requested.

Cambridge City Council has produced this statement to accompany its ‘Hackney Carriage and Private Hire Licensing Policy’.

Legislative provisions and legal requirements

Passengers with disabilities are afforded protection under law and council policy.

The Town Police Clauses Act 1847 makes it an offence for a driver of a Hackney Carriage Vehicle to refuse (without reasonable excuse) to take a fare to any destination within the Council’s administrative district.

The Equality Act 2010 places a duty on all licensed drivers to transport a disabled person’s assistance dog, where required.

Drivers of wheelchair accessible vehicles must:

- Carry a passenger seated in a wheelchair
- Charge wheelchair users the same fare as non-wheelchair users; the meter, where used, must only be started when the journey begins
- Carry and secure the wheelchair separately if the passenger opts to sit in a passenger seat
- Ensure any wheelchair ramps and safety harnesses are present in the vehicle and in good working order. Wheelchair accessible vehicles found without these items will be suspended
- Ensure that the wheelchair, and passenger if seated in the wheelchair, is securely strapped in
- Passengers who choose to sit in their wheelchair for the journey must either face forwards or backwards, but never sideways
- Take steps to ensure that the passenger is carried safely and in reasonable comfort

- Give the passenger mobility assistance, as is reasonably required

Drivers of any licensed vehicle must:

- Carry a disabled person's assistance dog, allow it to remain with the passenger and not charge more for this service

If you are unable to meet any of the above duties because of a medical condition then you must obtain an exemption certificate from Cambridge City Council.

Where drivers fail to meet the legal requirements and a complaint is made then an investigation will be launched by an enforcement officer of the Licensing & Enforcement Team.

Customer service

To help provide the best possible service for disabled passengers the Council requests drivers follow these steps:

- Good communication is key. Make sure you ask the disabled person how they would like to travel in the vehicle and ask if they require any assistance, but wait for your offer to be accepted before doing anything
- Listen carefully to any requests and try to remember that everyone is different and what suits one passenger may not be appropriate for another
- Ensure that you know how to operate wheelchair ramps and safely load and secure a passenger in a wheelchair
- Talk directly to the disabled person rather than to any person(s) accompanying them where possible
- Keep visually impaired passengers updated with the progress of the journey, particularly if there are any delays
- Count out the change for visually impaired passengers
- Keep a pen and paper handy to write things down for passengers with hearing impairments
- Do not load or unload passengers who are wheelchair users where there is an incline or the pavement is sloped
- Do not make assumptions about a disability, or assume a disability is insignificant because it is not visible

Advice concerning the carriage of different types of wheelchair

Cambridge City Council recognises that some drivers are unsure of their responsibilities where it comes to the carriage of passengers in different types of wheelchairs. The following advice has therefore been generated:

Manual wheelchair

All wheelchair accessible vehicles must be able to carry this type of wheelchair.

Electric wheelchair

There is a huge variety of electric wheelchairs on the market that are generally designed to accommodate specific needs. Due to this drivers will likely encounter a range of devices with differing sizes. The advice in these situations is that the driver will need to make an assessment as to whether the wheelchair can be safely and securely carried in the vehicle along with the passenger. In circumstances where the driver is certain that this is not possible then the driver may refuse to take the fare but the driver must:

- Make reasonable effort to find the passenger an alternate means of transport e.g. hail/call for another more appropriate vehicle or call an operator for assistance
- Report the matter to the Licensing & Enforcement Team in case of complaint

Mobility scooter

In general mobility scooters will be too big to fit into a wheelchair accessible vehicle. Users should therefore be advised to seek assistance from a specialised service.

46. Conduct of Licence Holders

The code of conduct must be read in conjunction with other policy requirements, Byelaws (Appendix A), the Licence conditions (Appendix B) and statutory obligations.

It is important to recognise that as professional drivers Cambridge City Council expects the highest standards in driving and conduct from its licence holders. We expect drivers to be polite and courteous at all times to passengers, the public, other drivers and their colleagues.

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- complying with the Council's Licensing Policy; and
- behaving in a civil, orderly and responsible manner at all times

There are, however, unfortunately occasions where the Council receives complaints concerning licensed drivers and vehicles.

The most common areas of complaint are:

- Refusal of fares particularly those involving passengers with additional access requirements including wheelchair users or those with assistance dogs
- Refusal of help to passengers who may require it with access in and out of vehicles and with baggage
- Passenger disputes involving fares, baggage and alleged inappropriate conduct and behaviour
- Poor driving standards including clashes with other road users, ignoring

- signage, dangerous over-taking and speeding
- Parking offences, including dangerous parking and over-ranking
 - Unfair practices e.g. drivers not using ranks where available, cherry picking fares, whipping of other driver's jobs and illegally plying for hire

In addition, officers frequently encounter instances where drivers fail to comply with their licence conditions. The Council has therefore created a Code of Conduct for all licence holders which can be found at Appendix Q. This has been generated, in part, to also deal with eventualities not covered by legislation and licence conditions.

Where an individual is found to be in breach of an item contained in the Code then the appropriate enforcement action will be considered, as provided by the Hackney Carriage and Private Hire Enforcement Management System as detailed in Appendix D.

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APPENDICES

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Appendix A

Hackney Carriage Bye Laws

Made under Section 68 of the Town Police Clauses Act, 1847, and Section 171 of the Public Health Act 1875, by the Mayor, Aldermen and Citizens of the City of Cambridge acting by the Council with respect to Hackney Carriages in the City of Cambridge.

Interpretation

1. Throughout these Byelaws “the Council” means the Mayor, Aldermen and Citizens of the City of Cambridge acting by the Council and “the district” means the City of Cambridge.

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

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

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

3. (Byelaw 3 repealed by Byelaws made by the Council on 27th July 1981 and confirmed by the Secretary of State on 6th November 1981.)
4. Every proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
 - i) If the taximeter is fitted with a flag or other device bearing the words “FOR HIRE”:
 - a) the words FOR HIRE shall be exhibited on each side of the flag or other device in plain letters at least one inch in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
 - b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible:

- c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
 - ii) If the taxi meter is not fitted with a flag or other device bearing the words “FOR HIRE”:
 - a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;
 - b) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter.
 - iii) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take in pursuance of the Byelaw in that behalf for the hire of the carriage by distance.
 - iv) The word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
 - v) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be suitably illuminated during any period of hiring.
 - vi) The taxi meter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. Every proprietor of a Hackney Carriage provided with a taximeter not fitted with a flag or other device bearing the words “FOR HIRE” shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:
- a) The sign shall bear the words “FOR HIRE” in plain letters at least 1” in height:
 - b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

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

6. Every driver of a Hackney Carriage shall:
- i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":
 - a) When standing or plying for hire keep such flags or other device locked in the position in which the words are horizontal and legible.
 - b) As soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible.
 - ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":
 - a) When standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of Byelaw 5 so that the words "FOR HIRE" and clearly and conveniently legible by persons outside the carriage.
 - b) As soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage.
 - c) As soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter.
 - iii) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined by Section 1 of the Road Transport Lighting Act 1927, and also at any other time at the request of the hirer.
7. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fitting thereof, or with the seals affixed thereto.
8. Every driver of a Hackney Carriage for which stands are fixed by any Byelaw in that behalf shall, when plying for hire in any street not actually hired:
- Proceed with reasonable speed to, and station the carriage on, one of the such stands
 - If a stand, at the time or arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand
 - On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction
 - From time to time when any other carriage immediately in front is driven off or moved forward
9. Every proprietor or driver of a Hackney Carriage who shall have agreed or shall have been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with

such carriage as such appointed time and place.

10. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying or driving for hire, wear that badge in such position and manner as to be plainly and distinctly visible.
11. Every driver of a Hackney Carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:
 - Convey a reasonable quantity of luggage
 - Afford reasonable assistance in loading and unloading
 - Afford reasonable assistance in removing it to or from the entrance of any house, station, or place at which he may take or set down such person
12. Every proprietor or driver of a Hackney Carriage who shall knowingly convey in the carriage the dead body of any person shall, immediately thereafter, notify the fact to the Chief Sanitary Inspector of the Council.

Provisions fixing the stands of Hackney Carriages.

13. (Byelaw 13 lapsed. As to fixing Hackney Carriage stands, see now Section 63, Part II of the Local Government (Misc. Provisions) Act 1976.)

Provisions fixing the rates or fares, as well for time as distance, to be paid for Hackney Carriages within the district, and securing the publication of such fares.

14. (Byelaw 14 lapsed. As to fixing fares see now Section 65, Part II of the Local Government (Misc. Provisions) Act 1976.)

15. (1) Every proprietor of a Hackney Carriage plying for hire for which any fares are fixed by any Byelaw in that behalf shall:

- Cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures.
- Renew such letters and figures as often as is necessary to keep them clearly visible.

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

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

16. Every proprietor or driver of a Hackney Carriage shall, immediately after the

termination of any hiring, carefully search the carriage for any property, which may have been accidentally left therein.

17. Every proprietor of a Hackney Carriage shall if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

- 1 Carry it within twenty-four hours, if no sooner claimed by or on behalf of its owner, the Cambridge City Police Station, and leave it in the custody of the officer in charge of the Station on his giving a receipt for it.
- 2 Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pounds of its estimated value (or the fare for the distance from the place of finding to the Cambridge City Police Station, whichever be greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these Byelaws shall be liable, on summary conviction, to a fine not exceeding fifty pounds and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereof.

Repeal of Byelaws

19. The Byelaws relating to Hackney Carriages which were made by the Mayor, Aldermen and Burgesses of the Borough of Cambridge on the Thirteenth day of November 1936, the Second day of May 1938, and the Eighteenth day of November 1938, and which were confirmed by the Minister of Health on the Eleventh day of February 1937, the Tenth day of May 1938 and the Fourth day of January 1940, respectively, are hereby repealed.

The Common Seal of the Mayor, Aldermen and Citizens of the City of Cambridge was affixed hereto this sixth day of December 1951, in the present of (Sg) Alan H Swift – Town Clerk.

I hereby confirm the foregoing Byelaws and fix the date on which they shall come into operation as the 1st March 1952. (Sg) David Maxwell Fyfe – One of Her Majesty's Principal Secretaries-of-State.

Home Office, Whitehall, 22nd February 1952.

Byelaw

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Mayor, Aldermen and Citizens of the City of Cambridge acting by the Council with respect to Hackney Carriages in the City of Cambridge,

Byelaw No 3 of the series of Byelaws made by the Mayor, Aldermen and Citizens of the City of Cambridge acting by the Council on the Twenty-fourth day of August, One Thousand Nine Hundred and Seventy Three and confirmed by one of Her Majesty's Principal Secretaries-of-State on the First day of June, One Thousand Nine Hundred and Seventy Four is hereby repealed and replaced by the following Byelaw which shall be read and construed as one with the series of Byelaws aforesaid:

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

3. Every proprietor of a Hackney Carriage shall:

- Provide sufficient means by which any person in the carriage may communicate with the driver
- Cause the roof or covering to be kept water-tight
- Provide any necessary windows and means of opening and closing not less than one window on each side
- Cause the seats to be properly cushioned or covered
- Cause the floor to be provided with a proper carpet, mat or other suitable covering
- Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service
- Provide means of securing luggage if the carriage is so constructed as to carry luggage
- Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
- Provide at least two doors for use of persons conveyed in such carriage, and a separate means of ingress and egress for the driver
- Cause a sign (which shall be illuminated during the darkness except when the vehicle is under hire and is not proceeding through an area restricted to vehicles other than inter alia Hackney Carriages) bearing the word "TAXI" in black lettering on a yellow background on the front and "Cambridge Licensed Taxi Cab" in black lettering on a red background on the back at all times to be prominently displayed on the roof of the vehicle except:
 - When the vehicle is on hire for a wedding
 - When it is necessary to accommodate passengers luggage by the use of a roof rack
 - When the vehicle is being used for social, domestic or pleasure purposes.

The Common Seal of Cambridge City Council was hereunto affixed this 27th day of July One Thousand Nine Hundred and Eighty-One in the presence of Michael Ball – City Secretary and Solicitor.

The Secretary of State this day confirmed the foregoing byelaw and fixed the date on which the byelaw is to come into operation as the 6th day of November 1981. J L

Banstock, An Assistant Under Secretary of State, Home Office, Whitehall, 6th November 1981.

DRAFT

Appendix B

Licence Conditions

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and to relevant statutory requirements including in particular those contained in the Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

Alteration of Vehicle

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

Identification Plate

The plate identifying the vehicle as a Hackney Carriage Vehicle is required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Misc. Provisions) Act 1976 shall be securely fixed to the external rear of the vehicle in a conspicuous position and in such manner as to be easily visible by an authorised officer of the Council, or a Police Officer. Fixing kits will be provided for this purpose.

Safety Equipment

There shall be provided and maintained in good working order in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances.

Cambridge Crests

Cambridge City Crests must be displayed in the agreed position on the vehicle doors at all times in Cambridge City.

Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be clearly visible at all times to persons conveyed therein:

- The number of the licence
- The number of passengers prescribed in the licence

- The table of fares currently in operation
- The statement in legible letters at least 1cm high “Complaints should be referred to the proprietor in the first instance, and then if necessary, to the Head of Refuse & Environment, Mandela House, Regent Street, Cambridge, CB2 1BY quoting all the facts including the number of the Hackney Carriage Vehicle”.

Convictions

The proprietor shall, within seven days, disclose to the Council in writing, details of any conviction imposed on him, or if the proprietor is a company, on any of its directors during the period of the licence.

Byelaws

The vehicle must comply with the relevant provisions of the Hackney Carriage byelaws or be taken out of service as a Hackney Carriage until such time as the vehicle complies with the byelaws.

Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence within 7 days of such change taking place.

Signs and Notices

Signs or advertisements may be displayed on or affixed to the exterior of any licensed vehicle subject to the City Council’s discretion to disallow any sign or advertisement.

Meters

Meters must comply with Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments as implemented into UK law by The Measuring Instruments (Taximeters) Regulations 2006, be programmed to calendar control and be sealed by lead or plastic means to meet the required minimum standard.

Transfer of Plate Ownership

It is an offence under the Local Government (Misc Provisions) Act 1976 not to inform the Council of any change of ownership within 14 days.

IT IS AN OFFENCE FOR ANY PERSON OTHER THAN A HACKNEY CARRIAGE DRIVER LICENSED BY CAMBRIDGE CITY COUNCIL TO DRIVE A HACKNEY CARRIAGE VEHICLE LICENSED BY CAMBRIDGE CITY COUNCIL.

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and to relevant statutory requirements including in particular those contained in the Motor Vehicles (Constructions and Use) Regulations shall be fully complied with.

Alteration of Vehicle

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

Identification Plate

The plate identifying the vehicle as a Private Hire Vehicle is required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Misc. Provisions) Act 1976 shall be securely fixed to the external front and rear of the vehicle in a conspicuous position and in such manner as to be easily visible by an authorised officer of the Council, or a Police Officer. Fixing kits will be provided for this purpose.

Interior Signs

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be clearly visible at all times to persons conveyed therein:

- The number of the licence
- The number of passengers prescribed in the licence
- The name and company address of the operator
- The statement in legible letters at least 1cm high "Complaints should be referred to the proprietor in the first instance, and then if necessary, to the Head of Refuse and Environment, Mandela House, Regent Street, Cambridge, CB2 1BY quoting all the fact including the number of the Private Hire Vehicle"
- The current fare table applicable to the licensed vehicle in legible lettering not less than 0.6cm high

Safety Equipment

There shall be provided and maintained in good working order in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances.

Signs and Notices

All Private Hire Vehicles should have displayed on their door sign in 1” lettering the words: **‘Private Hire Vehicle – Pre Booked Only’**.

Meters

Meters must comply with Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments as implemented into UK law by The Measuring Instruments (Taximeters) Regulations 2006, be programmed to calendar control and be sealed by lead or plastic means to meet the required minimum standard.

Meters need to meet the Public Carriage Office specification, be programmed to calendar control and be sealed by lead or plastic means to meet the required minimum standard.

Transfer of Ownership

The Council must be informed of any transfer of plate ownership within 14 days.

Change of Address

The proprietor of the licensed Private Hire Vehicle shall notify the Council in writing of any change of address during the period of the licence within 7 days of such change.

Convictions

The proprietor shall, within seven days, disclose to the Council in writing details of any conviction imposed on him or if the proprietor is a company on any of its directors during the period of the licence.

Surrender of Licence

If the proprietor decides to cease the use of a licensed vehicle for Private Hire purposes, he shall surrender the licence by returning it together with the licence plate (which belongs to Cambridge City Council) to the Head of Refuse and Environment.

IT IS AN OFFENCE FOR ANY PERSON OTHER THAN A PRIVATE HIRE DRIVER LICENSED BY CAMBRIDGE CITY COUNCIL TO DRIVE A PRIVATE HIRE VEHICLE LICENSED BY CAMBRIDGE CITY COUNCIL.

PRIVATE HIRE DRIVER LICENCE CONDITIONS

Conduct

The driver must give reasonable help with luggage, be clean, respectable, polite and orderly. He must also take reasonable steps to ensure the safety of passengers and must not drink, eat or play a radio or similar device to the annoyance of any person during the hiring.

Passengers

The maximum number to be carried is as prescribed in the vehicle licence. No child under 10 may be carried in the front seat beside the driver.

Lost Property

The driver must search the vehicle to ensure that property is not left behind, and if property is left behind he must take it to a police station within 24 hours.

Written Receipts

Must be provided for charges, if requested.

Animals

All drivers are obliged to carry assistance dogs unless they have been granted a medical exemption from the Taxi Licensing Office. A driver may not carry an animal owned by him, or in his custody, or that of the proprietor of the vehicle or its operator.

Deposit of Driver's Licence

If the proprietor permits or employs any other person to drive the licensed vehicle he shall, before that person commences to drive the vehicle, ensure he is in possession of his "Taxi" Driver's licence for retention.

Alternatively, if the vehicle is a "fleet" Private Hire Vehicle, the driver is required to deposit their Private Hire Driver's licence with the Private Hire Operator.

Change of Address and Convictions

The holder of a "Taxi" Driver's licence shall, within seven days, notify the Council in writing of any change of address, or conviction imposed on him, during the period of the licence.

Badges

Badges must be displayed prominently, in such a position that is easily seen by

passengers at all times.

PRIVATE HIRE OPERATOR CONDITIONS

Records

The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively.

The records to be kept by the operator shall contain details of all Private Hire Vehicles operated by him, including the names and addresses of the owners and drivers, registration numbers and drivers of the vehicles, together with any radio call sign used.

Complaints

The operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any), which the operator has taken or proposes to take in respect thereof.

Change of Address

The operator shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change taking place.

Convictions

The operator shall within 7 days disclose to the Council in writing details of any conviction imposed on him (or if the operator is a company, on any of its directors) during the period of the licence.

APPENDIX C

Information on Hackney Carriage & Private Hire Vehicle Proprietor And Driver, And Private Hire Operator Offences

Licence holders are subject to certain statutory obligations. The Licensing section will investigate the offences detailed below and will consider enforcement action if it is established that any offence has been committed.

Offences Under The Town Police Clauses Act 1847

Section 40

An application for a Hackney Carriage vehicle Licence shall detail the name, surname and place of abode of the person applying for the Licence and of every proprietor, part proprietor or person involved solely or in partnership with any other person in the keeping, employing or letting to hire of such carriage. It is an offence for any person applying for the Licence to omit the details of such a person from the application form and also an offence for them to include a person who is not a proprietor, part proprietor or involved in the keeping, employing or letting to hire of the vehicle.

Section 44

It is an offence for any person named on a Hackney Carriage Vehicle Licence to neglect or wilfully omit to give notice of any new address to the Council in writing within 7 days of any change in his place of abode.

Section 45

It is an offence for any person to ply for hire otherwise than with a licensed Hackney Carriage or without having the Licence number corresponding to the carriage openly displayed on the vehicle. It is also an offence for any proprietor or part proprietor of any vehicle other than a licensed Hackney Carriage to permit the vehicle to be used as a Hackney Carriage plying for hire.

Section 47

It is an offence for any person to act the driver of any licensed Hackney Carriage without first obtaining a Hackney Carriage Driver Licence.

Section 48

Where the proprietor of a Hackney Carriage permits or employs any licensed driver, the proprietor shall require and retain in his possession the paper part of the Hackney Carriage Driver's Licence. If the proprietor is summoned to produce the driver, then he shall also produce the driver's Licence. It is an offence for any proprietor to fail to require and retain such a Hackney Carriage Driver's Licence or to refuse or neglect to produce the Licence as so required.

Section 49

The proprietor shall return the Driver Licence upon the driver leaving the service of the proprietor by whom he is employed, unless the driver is guilty of any misconduct in which case it will be for the proprietor to give notice of the complaint to the driver and summon the driver to appear before any justice for the matter to be resolved.

Section 52

It is an offence for the proprietor of any Hackney Carriage to permit the vehicle to be used, employed or let to hire without having exhibited on the vehicle a plate upon which is stated (in legible words that are clearly distinguishable from the colour of the plate) the maximum number of persons authorised by the Licence to be carried in the vehicle. It is also an offence for the driver of any Hackney Carriage to refuse to carry this number or any lesser number of passengers.

Section 53

It is an offence for any driver of a Hackney Carriage whilst standing at any taxi rank or in any street to refuse or neglect (without reasonable excuse) to drive the Hackney Carriage to any destination within the Council's administrative district as directed by the person wishing to hire the vehicle.

Section 54

If a fare is agreed in advance of the hiring of a vehicle that is less than the fare set out in the Hackney Carriage Table of Fares, it is an offence for any proprietor or driver of a Hackney Carriage to demand more than that fare.

Section 56

It is an offence if the proprietor or driver of a Hackney Carriage agrees to carry any person for a distance for which a sum is agreed upon and then carry the person for a lesser distance than that to which they were entitled to be carried for the sum so agreed upon.

Section 57

At the request of a hirer of a Hackney Carriage for the driver to wait for a specific period with the vehicle, the driver may demand and receive from the hirer the fare that is equal to the sum of the fare for driving to the destination and also the fare for waiting for such time period as determined by the Hackney Carriage Table of Fares. It is an offence, however, for a driver to take such a deposit and then refuse to wait or leave before the expiration of the agreed time period or to fail to account for the deposit on the final discharge of the Hackney Carriage.

Section 59

It is an offence for any proprietor or driver of a Hackney Carriage that has been hired to permit any person to be carried in the vehicle during such hire without the express consent of the person hiring the vehicle.

Section 60

It is an offence for a driver authorised by the proprietor of a Hackney Carriage to act as such, to suffer any other person to act as the driver of the vehicle without the consent of the proprietor. It is also an offence for any person to act as the driver of a Hackney Carriage without the consent of the proprietor.

Section 62

It is an offence for the driver of any Hackney Carriage to leave it in any street or at any place of public resort or entertainment (whether hired or not) without some one proper to take care of it. Any constable may drive away such a Hackney Carriage and deposit it at some place of safe custody.

Section 64

It is an offence for any driver of a Hackney Carriage to cause the vehicle to stand for hire across any street or alongside any other Hackney Carriage. It is also an offence for the driver of a Hackney Carriage to refuse to give way to any other carriage or to obstruct the driver of any other carriage in taking up or setting down any person or to wrongfully prevent or attempt to prevent the driver of any other Hackney Carriage from being hired.

Offences Under The Local Government (Miscellaneous Provisions) Act 1976

Section 46

It is an offence for the proprietor of any vehicle (other than a licensed Hackney Carriage or London cab) to use or allow the vehicle to be used as a Private Hire Vehicle without having a Private Hire Vehicle Licence for that vehicle.

It is an offence for any person to drive a Private Hire Vehicle unless they are licensed as a Private Hire Driver by the Local Authority that licensed the vehicle.

It is an offence for the proprietor of a Private Hire Vehicle to employ a person as the driver of the vehicle unless they are licensed as a Private Hire Driver by the same Local Authority that licensed the vehicle.

It is an offence for a person to operate a Private Hire Vehicle unless they are licensed as a Private Hire Operator by the same Local Authority that licensed the vehicle.

It is an offence for a Private Hire Operator to operate any vehicle as a Private Hire Vehicle:

- i) unless the vehicle is licensed as a Private Hire Vehicle by the same Local Authority that granted the Operator Licence and
- ii) unless the driver is licensed as a Private Hire Driver by the same Local Authority that granted the Operator Licence.

Section 48

It is an offence for a person to use a licensed Private Hire Vehicle unless the Private Hire Licence plates are exhibited on the vehicle.

Section 49

It is an offence for the proprietor of a Hackney Carriage or a Private Hire Vehicle to fail to notify the Council in writing of any transfer of his interest in the vehicle to another person Licence within 14 days of transferring his interest. Such a notice

must specify the name and address of the person to whom the Hackney Carriage or Private Hire Vehicle has been transferred.

Section 50

It is an offence for the proprietor of any Hackney Carriage or Private Hire Vehicle to present the vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the Council as required by notice.

It is an offence for the proprietor of a Hackney Carriage or Private Hire Vehicle that is licensed by the Council or in respect of which an application has been made for a Licence to be granted to fail to respond to a notice requiring them to state in writing the address of every place where the vehicle is kept when not in use. It is also an offence to fail to provide facilities as may be reasonably necessary to enable the vehicle to be inspected and tested at those addresses.

It is an offence for the proprietor of a licensed Hackney Carriage or a Private Hire Vehicle to fail to report to the Council as soon as reasonably practicable (but no later than 72 hours) any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the convenience of persons carried in the vehicle.

It is an offence for the proprietor of a licensed Hackney Carriage or a Private Hire Vehicle to fail to produce the vehicle licence or certificate of the policy of insurance to an authorised Officer of the Council.

Section 53

It is an offence for any driver of a Hackney Carriage or Private Hire Vehicle to fail on request of any authorised Officer or the Council or any constable to produce for inspection their driver Licence either forthwith or within 5 days beginning on the following day.

Section 54

It is an offence for the driver of a Private Hire Vehicle to fail to wear their Private Hire Driver Licence badge in such position and manner as to be plainly and distinctly visible.

Section 56

It is an offence for a licensed Private Hire Operator to fail to keep a record in such form as the Council may prescribe by way of condition attached to the Licence, to fail to enter before the commencement of each journey particulars of every booking accepted by him, and to fail to produce the record on request to any authorised officer or any constable for inspection

It is an offence for any Private Hire Operator to fail to produce their Operator Licence on request by an authorised officer or constable for inspection

Section 57

It is an offence for a person to knowingly or recklessly make a false statement or omit any material in giving information as part of an application for a Driver or Vehicle Licence.

Section 58

It is an offence for the proprietor of a vehicle to fail without reasonable excuse to comply with a notice issued by the Council to require the return of the Vehicle Licence plate.

Section 64

It is an offence for any person to cause or permit any vehicle other than a Hackney Carriage to wait on any stand for hackney carriages without reasonable excuse during any period for which that stand has been appointed.

Section 66

It is an offence for a Hackney Carriage driver to undertake a journey for any hirer ending outside the district in respect of which no fare or rate of fare was agreed before the hiring was effected and for the driver to charge more than the fare indicated on the taxi as set by the Council's Hackney Carriage Table of Fares

Section 67

It is an offence for any person to use a Hackney Carriage under a contract for private hire except at a rate of fares or charges not greater than that fixed by the Hackney Carriage Table of Fares.

Section 69

It is an offence for any licensed Hackney Carriage or Private Hire Driver to unnecessarily prolong (in distance or time) without reasonable excuse, a journey for which the vehicle has been hired.

Section 71

It is an offence for any person to tamper with any seal on a taximeter, to alter any taximeter, or to use a private hire vehicle with a meter installed in the vehicle unless the meter has been tested and approved by or on behalf of the Council.

Section 73

It is an offence for any person to wilfully obstruct an authorised officer or constable, to fail to comply with any requirement properly made by such an officer or constable or to fail to give such officer or constable any other assistance or information which he may reasonably require of such person for the performance of his functions.

Offences Under The Transport Act 1980

Section 64

It is an offence for any person to knowingly drive a vehicle (other than a Hackney Carriage) or permit a vehicle (other than a Hackney Carriage) to be driven if there is displayed on or above the roof of the vehicle which is used for carrying passengers for hire or reward any sign which consists or of includes the word "taxi" or "cab" whether in the singular or plural, or "hire" or any word of similar meaning or appearance to any of those words whether alone or as part of another word. It is also an offence to display any sign, notice, mark, illumination or other feature on

such a vehicle, which may suggest that the vehicle is a Hackney Carriage.

Offences Under The Health Act 2006

Section 6

It is an offence for any person who occupies or is concerned in the management of smoke-free premises to fail to ensure that statutory no-smoking signs are displayed in those premises. Hackney Carriages and Private Hire Vehicles are deemed smoke-free places at all times during which the Licence has effect and a no-smoking sign must be prominently displayed in each compartment of the vehicle at all times.

Section 7

It is an offence to smoke in a smoke-free place. Hackney Carriages and Private Hire Vehicles are deemed smoke-free places at all times during which the Licence has effect.

Section 8

It is an offence for any person who controls or is concerned in the management of smoke-free premises to fail to cause any person smoking there to stop smoking. Hackney Carriages and Private Hire Vehicles are deemed smoke-free places at all times during which the Licence has effect.

Offences under Chapter 1 of Part 12 of the Equality Act 2010

Section 168

It is an offence for the driver of a Hackney Carriage that has been hired by or for a disabled person who is accompanied by an assistance dog, or by another person who wishes to be accompanied by a disabled person with an assistance dog to fail to carry the disabled person's dog and allow it to remain with that person or to make any additional charge for doing so, unless an exemption certificate from the requirement to carry assistance dogs has been issued by the Council and that Certificate is displayed within the vehicle.

Section 170

It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for the vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog. The operator also commits an offence if they make an additional charge for carrying an assistance dog which is accompanying a disabled person.

It is an offence for the driver of a private hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog, unless an exemption certificate from the requirement to carry assistance dogs has been issued by the Council and that Certificate is displayed within the vehicle.

APPENDIX D

Hackney Carriage and Private Hire Enforcement Management System

It is the policy of Cambridge City Council to ensure that proprietors, drivers and operators are licensed and carry out their trade in accordance with both the relevant law and the conditions attached to the licences. This will ensure a safe and secure Hackney Carriage and Private Hire Service.

In relation to private hire operators' licences and both hackney carriage and private hire drivers' licences the Council cannot grant or renew a licence unless they are satisfied that the applicant is a fit and proper person to hold the licence.

The enforcement management system is intended to fairly and firmly enforce the law in a consistent and transparent way.

The City Council has a duty to enforce a wide range of statutes relating to:

- public health and safety,
- quality of life,
- preservation of public and residential amenity
- maintenance of the environment and
- protection of public funds.

All of these activities will be carried out having regard to the general principles of good enforcement practice outlined in our Corporate Enforcement Policy.

The Council's graduated approach to enforcement is based on the principles of:

- Courtesy and Helpfulness
- Clear Standards and Practices
- Consistency
- Openness
- Proportionality; and
- Training of drivers, proprietors and operators

Achieving and maintaining a consistent approach to making decisions about taxi licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, the guidelines must be considered and followed. Enforcement action will be related to the seriousness of the breach and the possible consequences arising out of it. Enforcement action will not, therefore, constitute a punitive response to minor technical contraventions of legislation.

When making enforcement decisions, Authorised officers will take this enforcement management system into account. Any departure from this must be fully considered,

exceptional, capable of justification, and must be endorsed by the Licensing & Enforcement Manager or more senior officer before the decision is implemented.

1. Enforcement Options

Licence application and enforcement decisions must always be consistent, balanced, proportionate and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the:

- seriousness of any offences;
- driver, proprietor or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- public safety;

Having considered all relevant information and evidence, the choices for action are:

a) For Licence Applications:

- Grant licences subject to the Council's Hackney Carriage and Private Hire Licensing Policy requirements and such conditions as the Council deems necessary and proportionate; or
- Refuse to grant or renew a licence.

b) During the life of a Licence:

Enforcement action	Description
No action	In instances where a complaint has been received from an anonymous source or insufficient information is given.
Informal action	<p>Includes offering advice, verbal or written warnings, interviews, and the use of letters to secure compliance with legislation/policy.</p> <p>Such informal enforcement action may be appropriate in any of the following circumstances: -</p> <ul style="list-style-type: none"> • The act or omission is not serious enough to warrant more formal action; • It can be reasonably expected that informal action will achieve compliance, perhaps by taking into account the individual driver, proprietor or operator's past history; • Confidence in the operator's management is high; • The consequences of non-compliance will not pose a significant risk to the safety of the public

Suspension or revocation of a driver's licence	In instances where the Council is satisfied that a driver poses an significant immediate risk to public safety then the Environmental Health Manager has the delegated authority to issue an immediate suspension or revocation to the driver in question by the powers provided by Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
Suspension or revocation of a vehicle licence	<p>The Council may issue a suspension or revocation of a vehicle licence under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 for any of the following grounds:</p> <ul style="list-style-type: none"> • That the hackney carriage or private hire vehicle is unfit for use; • Any offence under, or non-compliance with, the provisions of the 1847 or 1976 Acts; • Any other reasonable cause. <p>Any decision to suspend or revoke a vehicle licence will be accompanied by notification in the form of a letter to the licence holder.</p> <p>The licence holder can appeal a decision to suspend or revoke a vehicle licence by applying to the Magistrates' Court within 21 days of the decision be made.</p>

Immediate vehicle suspension notice

Under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 an authorised officer can issue a suspension notice to any hackney carriage or private hire vehicle deemed to be 'unfit'.

If the authorised officer is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter, the officer may give notice in writing to require the proprietor of the vehicle to make the vehicle available for further inspection and testing at such reasonable time and place as specified in the notice, and suspend the licence until such time as the officer is satisfied that the vehicle or meter is again fit for purpose. This may involve the affixing of a non-removable 'Licence Suspended' sticker to the licence plate of the vehicle.

The suspension notice will remain in place until such time as the Officer issuing the notice is satisfied that the grounds for suspension have been satisfactorily resolved. Written confirmation of the lifting of the suspension notice will be given. The responsibility for a replacement licence plate will fall to the licence holder.

If the Authorised Officer or constable who issued the suspension notice is not satisfied as to the fitness of the vehicle or its taximeter before the expiration of a period of two months, the licence will, by virtue of the provisions of section 68, be deemed to have been revoked.

Where a licence is deemed to be revoked, the Council will write to the proprietor of the vehicle giving notice of the grounds on which the licence has been revoked within 14 days of the deemed revocation.

The proprietor may appeal to the Magistrates' Court.

Simple cautions	<p>A simple caution may be used as an alternative to a prosecution in certain circumstances.</p> <p>The purposes of the simple caution are to:</p> <ul style="list-style-type: none"> • Deal quickly and simply with less serious offences; • Divert less serious offences away from the Courts; • Reduce the chances of repeat offences <p>To safeguard the suspected offender's interests, the following conditions must be fulfilled before a caution is administered:</p> <ul style="list-style-type: none"> • There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction; • The suspected offender must admit the offence; • The suspected offender must understand the significance of a simple caution and give informed consent to being cautioned. <p>If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria are not satisfied to enable the offer of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a caution).</p> <p>Where a person declines the offer of a simple caution, it will be necessary to consider taking a prosecution.</p>
Prosecution	<p>The decision to prosecute is a significant one as a conviction may impact on the licence holder's future employability. Prosecution will, in general, be appropriate for circumstances where the law is blatantly disregarded, legitimate requirements of the Council are not followed and / or the public is put at serious risk. Such circumstances are in a minority. The criteria on which a decision to prosecute is made should ensure a consistent approach.</p> <p>When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.</p>

<p>Referral to the Licensing Sub-Committee</p>	<p>A licence holder may be asked to appear before the licensing sub-committee to answer allegations of breaches of relevant legislation, byelaws or conditions attached to licences or a contravention of the Council's Hackney Carriage and Private Hire Licensing Policy. Prior to this, the licence holder may be provided with warnings, depending on the seriousness of the complaint or contravention. Section 2 provides a guide to the action that the Licensing & Enforcement team is likely to take in response to these matters.</p> <p>Cambridge City Council's 'Grounds for Disbarment', available in section 2.2, provide the instances when an applicant or licence holder may be referred to a hearing of the Licensing Sub-Committee.</p> <p>The Licensing Sub-Committee will consider whether, in all the circumstances of the case, including the underlying facts of the incidents, including the incidents on previous occasions, the licence holder is a fit and proper person to hold a licence. The Licensing sub-committee will consider whether there is reasonable cause to suspend or revoke a licence.</p> <p>When considering an application or the standing of a licence holder the Committee may decide to take one or more of the following actions:-</p> <ul style="list-style-type: none"> • no action; • a written warning; • require the production of driving licences or other specified documentation at the Council's Office; • suspend a licence; • revoke a licence; • recommend consideration of prosecution action; • other appropriate action as deemed necessary <p>The Taxi Regulatory Committee Hearings Procedure can be found in Section 3.</p>
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Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

Any written documentation issued or sent will: -

- contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen;

- clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

2. Enforcement Action

2.1 Table of Enforcement Actions

To achieve a stepped approach to enforcement, the Council will generally take the following action when:

- a licence holder breaches a licence condition
- a licence holder commits an offence
- a complaint is received about the conduct of a licence holder or condition of a vehicle; and
- there is a combination of the above

At any stage in the process, Officers may, if they consider it appropriate to do so, refer a licence holder to the Licensing Sub-Committee for a decision as to whether the licence holder continues to be a fit and proper person to hold a licence.

1.	FOR ANY OF THE FOLLOWING
i)	A breach of a licence condition see Appendix B
ii)	A road traffic offence witnessed by an Enforcement Office of Cambridge City Council, Cambridgeshire County Council and Police (e.g. driving whilst using a mobile phone)
iii)	Two complaints of a similar nature in a 12 month period**
iv)	Any road traffic offence or combination of offences that resulted in the accrual of penalty points except where the number of points accrued means that the licence holder falls within 4.
v)	Failure to return Temporary Medical Exemption Notice to the Licensing & Enforcement Team within 7 days of the expiry date.
ACTION	Invited to provide a formal response in writing and appropriate action taken, which may include a letter of warning

**When a complaint concerning a licence holder is received the complaint will be investigated and the licence holder will be invited to provide comments in writing. The Officer will decide whether they consider, on the balance of probabilities, that the complaint is justified.

2.	FOR ANY OF THE FOLLOWING
i)	A simple caution for an offence under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Part IV of the Transport Act 1980, Part I of the Health Act 2006, Chapter 1 of Part 12 of the Equality Act 2010 see appendix 3.
ii)	Substantiated complaint regarding the conduct of the licence holder (other than an offence) or the condition of a vehicle.
iii)	An offence under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Part IV of the Transport Act 1980, Part I of the Health Act 2006, Chapter 1 of Part 12 of the Equality Act 2010 where legal proceedings are not instigated see appendix 3.
iv)	Two licence conditions are breached or two road traffic offences are witnessed by an Enforcement Officer of Cambridge City Council, Cambridgeshire County Council and Police (e.g. driving whilst using a mobile phone), or one of each occurs within a 12 month period.
v)	Three complaints of a similar nature in a 12 month period.
vi)	A conviction for an offence under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Part IV of the Transport Act 1980, Part I of the Health Act 2006, Chapter 1 of Part 12 of the Equality Act 2010, see appendix 3.
vii)	The licence holder commits an action resulting in them falling under 1 i-ii) or 2 ii-iii) where they have been interviewed by an Officer of the Licensing section in the previous 12 month period and reminded of expected standards.
ACTION	Interviewed by an Officer of the Licensing & Enforcement Team and appropriate action taken, which may include a written warning.

3.	FOR ANY OF THE FOLLOWING
i)	The licence holder commits an action resulting in them falling under 1 i)-ii) or v) or 2 ii)-iii) or 3 i)-ii) where they have been interviewed by an Officer of the Licensing & Enforcement Team in the previous 12 month period and a final written warning has been given.
ii)	Five complaints of a similar nature within a 12 month period.

iii)	Or, in accordance with the Council's Grounds for Disbarment; An unspent conviction of any offence of a sexual nature.
iv)	An unspent conviction of any offence involving possession, supply of drugs or related offence.
v)	An unspent conviction of any offence involving dishonesty.
vi)	An unspent conviction for any offence involving violence.
viii)	A second conviction within 5 years of an offence related to drunkenness.
viii)	An unspent conviction of any offence relating to alcohol and motor vehicles.
ix)	An offence committed that resulted in 6 points or more being attached to a driver's licence within the last 3 years.
x)	Any combination of offences committed that result in a total of more than 6 points being attached to a driver's licence within the past 1 year.
xi)	An combination of offences committed that result in more than 9 points being attached to a driver's licence.
xii)	Two or more convictions for offences under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Part IV of the Transport Act 1980, Part I of the Health Act 2006, Chapter 1 of Part 12 of the Equality Act 2010 other than those that are spent under the Rehabilitation of Offenders Act 1974.
ACTION	Referred to the Licensing Sub Committee to consider whether the licence holder is a fit and proper person to hold a licence; action that may be taken includes revocation, suspension or refusal to renew a licence.

The above gives an indication of the likely action that the Council will take. However, each case will be considered individually and, in exceptional circumstances, the Council may deviate from the above in order to take the appropriate enforcement action.

2.2 Referral to the Licensing Sub-Committee

Specific consideration will be given to the following Grounds for Disbarment by the Environmental Health Manager, and subsequently the Licensing Sub Committee, so that they may exercise their discretion to grant or to renew a licence, or to suspend or revoke an existing licence.

Item	Description
1	Been convicted of any offence of a sexual nature which is not spent under the Rehabilitation of Offenders Act 1974
2	Been convicted of any offence involving possession, supply of drugs or related offence not spent under the Rehabilitation of Offenders Act 1974
3	Been convicted of any offence involving dishonesty not spent under the Rehabilitation of Offenders Act 1974
4	Been convicted of any offence involving violence not spent under the Rehabilitation of Offenders Act 1974
5	Been convicted within the last 5 years of more than one offence of drunkenness or related (see item 7 below)
6	Held their DVLA driver's licence for less than 2 years after its return as a result of suspension for <u>any reason</u>
7	Been convicted of any offence relating to alcohol and motor vehicles which is not spent under the Rehabilitation of Offenders Act 1974
8	Been convicted within the past 3 years of any offence which resulted in 6 or more points being attached to their driver's licence
9	Been convicted within 1 year of any combination of offences resulting in more than 6 points being attached to their driver's licence
10	If at the time of application (for grant, renewal or during the life of an existing licence) have more than 9 points attached to their driver's licence
11	If they have or incur a conviction relating to 'taxi' law which is not spent under the Rehabilitation of Offenders Act 1974
12	If they are found to be living or working in the UK without the required authorisation
13	If they fail the initial Safeguarding training examination on more than three occasions or fail to complete the refresher as required by the Council
14	A medical assessment which has provided additional information for consideration but does not declare them unfit to drive

3. Taxi Regulatory Committee Hearings Procedure

The purpose of this section is to provide a standardised procedure for hearings of taxi regulatory matters that are considered by the sub-committee. The procedure allows for all parties to exercise their right to a fair hearing.

The City Council, as licensing authority for Hackney Carriage and Private Hire matters within the City of Cambridge, has a responsibility to determine those matters within its jurisdiction. In many cases these will involve one or more of the Grounds for Disbarment.

In certain circumstances the authority will hold a hearing. It is considered good practice that a recognised procedure is followed and that parties involved in hearings should be advised of that procedure, in advance.

An overview of the procedure is given below:

1.	Information received that raises referral to the Licensing Sub-Committee Initial investigations by Case Officer (CO) including collating of supporting evidence and contact with any complainants for statements.
2.	Interview of applicant/licence holder Individual invited to give statement, recorded by CO and submit any supporting evidence.
3.	Preparation of report Submitted to Licensing and Enforcement Manager and Environmental Health Manager for approval and subsequent review by Legal Services.
4.	Date of hearing confirmed by Committee Services Applicant/ licence holder informed of date of hearing and sent a copy of the report
5.	Taxi Licensing Sub Committee Hearing The case is heard by the Licensing Sub Committee who decide what action, if any, to take.

3.1 Referral to the Licensing Sub Committee

Where the Case Officer (CO) considers that the Taxi Regulatory Sub-Committee should decide whether an applicant for a licence is a fit and proper to hold the licence for which she/he has applied, the CO will refer the matter to the Sub Committee.

Where the LEO has reason to believe that any of the circumstances set out in Sections 60 and 61 of the 1976 Act may apply, the LEO will conduct an investigation on behalf of the Head of Service.

Following investigation and where the LEO considers it appropriate to do so, the LEO will prepare a report for the Sub-Committee setting out the relevant law, Council policy and the powers of the Sub-committee. The LEO will also submit any information obtained as a result of the investigation, the source of that information and any matters in dispute.

The CO will write to the applicant or licence holder, and the witnesses to tell them when and where the Sub-Committee meeting will be held.

Evidence can be given in writing or orally, by the LEO, the applicant or licence holder, or by their witness(es). There are no legal restrictions in terms of the kind of evidence that can be heard or the form in which it must be presented.

The applicant or licence holder can give evidence about her/his character in any way she/he thinks fit, e.g. by letters of reference or by calling witnesses

The CO will send the applicant or licence holder a copy of the report at least 5 working days before the hearing to give her/him the opportunity to comment on it or, if she/he chooses, to submit further written representations or additional evidence.

When presenting the report to the Sub-Committee the LEO will inform the Sub-Committee of any comments, representations or additional evidence submitted by or on behalf of the applicant or licence holder.

At any stage the applicant or licence holder may instruct someone (such as a solicitor, a friend or relative, an employer or a member of a trade organisation) to act as her/his representative. The applicant or licence holder can be represented at the hearing regardless of whether the individual attends the hearing.

If the applicant or licence holder fails to attend the hearing the Sub-Committee may decide to continue in her/his absence.

Any references in this note to an applicant or licence holder should be taken to include her/his representative.

3.3 The Hearing

Present at the hearing will be members of:

Present at the hearing will be members of:

- The Taxi Regulatory Sub-Committee;
- The Case Officer;
- A Legal Officer (who will be the Sub-Committee's legal adviser); and
- A Committee Manager

At the start of the hearing the Chair of the Sub-Committee will open the meeting introduce the members of the committee and officers present and explain the procedure to be followed.

The committee members will decide whether members of the press and public should be excluded from the remainder of the hearing.

If a member of the Taxi Regulatory Sub-Committee becomes aware of a possible conflict of interest before or during the hearing she/he should raise this with the Head of Legal Services.

Members should not take part in hearing a case if they have a personal interest or involvement with it or the issues raised by it might be seen as affecting their impartiality, e.g. if they know the applicant / licence holder or a complainant, or they have been previously involved with the case or a closely related case in another

capacity.

The LEO will outline the report and present any witnesses in support of the CO's case.

Members may ask any relevant questions of the officer or witnesses.

The Chair will invite the applicant / licence holder or her/his representative to ask questions of the Officer or witnesses. The Chair will then invite the applicant / licence holder or a representative to put their case to the committee. This will include calling any witnesses. Witnesses will be allowed into the hearing only when giving their evidence.

Members may ask any relevant questions of the applicant / licence holder and/or her/his witnesses.

When all the evidence has been offered, the Chair will invite all parties to summarise their points if they wish before confirming whether any parties have anything else they wish to say

The Chair will invite the Legal Adviser to the Sub-Committee to give any legal advice that the advisor considers to be appropriate.

The Sub-Committee will withdraw to another room to consider their decision in private. The Sub-committee may invite the Legal Advisor to join them. Any legal advice given to the Sub-Committee when they are withdrawn will be reported back to the hearing before the Chair resumes it.

The Sub-Committee may reconvene the meeting in order to seek clarification of the facts.

When the decision has been made the Chair will announce this to the applicant or licence holder.

3.4 The applicant or licence holder

Following the hearing the Council will write to the driver with formal notification of the decision of the sub-committee and inform the applicant or licence holder of the right of appeal to the Magistrates Court and the time within which appeals must be submitted.

A suspension or revocation of a licence will take effect at the end of the period of 21 days beginning with the day on which written notice of the Sub-Committee decision was given to the licence holder. The only exception to this is in the case of the suspension or revocation of a Driver Licence where the Sub-Committee have decided that the interest of public safety require the suspension or revocation to have immediate effect. The letter notifying the driver of the Sub-Committee's decision will include a statement that this is so and an explanation why. The suspension will then take effect when the letter notifying the decision is given to the driver.

In urgent cases, the Environmental Health Manager has delegated power to suspend a driver or vehicle licence.

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APPENDIX E

REHABILITATION OF OFFENDERS

The table below provides the rehabilitation period for offences. A conviction is deemed 'spent' under the Rehabilitation of Offenders Act 1974 once the rehabilitation period has expired.

Sentence	Rehabilitation Period
Two and a half years (30 months) imprisonment and over whether the sentence was suspended or not.	Never Spent
Six month imprisonment and over but under 30 months whether the sentence was suspended or not.	10 years
Under six months imprisonment/ youth custody whether the sentence was suspended or not.	7 years
A fine or community service order.	5 years
Conditional discharge, bound over or probation order. Also includes fit person, supervision and care orders.	One year or period of probation sentence, whichever is longer
Absolute discharge	6 months
Disqualification, disability or prohibition	Period of sentence unless a long period as above e.g. Disqualification and a fine five years
For applicants aged under 17 when they were convicted; The fixed rehabilitation periods for imprisonment is a fine that is halved.	
For convictions which can only be passed on young offenders; they remain fixed and cannot be halved i.e.	
Borstal	7 years
Six months – two years detention in a place determined by the Secretary of State	5 years
Six months detention and less as above	3 years
Detention Centre Orders	3 years

All penalty points are normally spent for totting up purposes after three years from the date of offence. Exceptions to this are, for example, disqualifications for drink driving (10 years).

The periods of time that must elapse in other cases before the conviction becomes spent vary considerably according to the nature of the offence and other circumstances.

APPENDIX F

FEES AND CHARGES

Fees are subject to change at any time. The most recent fees are set out as below:

Driver Fees

Detail	Fee
Knowledge Test	£40
1 Year New Licence	£190
1 Year Renewal Licence	£80
3 Year Renewal Licence	£150
Replacement Badge	£15
Replacement Licence	£10
Change of Details	£10
1 Year DVLA Data Check	£8
3 Year DVLA Data Check	£24
DBS Check	£44

Vehicle Fees

Detail	Fee
New Hackney Carriage Vehicle Licence	£225
Renewal Hackney Carriage Vehicle Licence	£210
New Private Hire Vehicle Licence	£225
Renewal Private Hire Vehicle Licence	£200
Private Hire Vehicle Plate Deposit	£50
Hackney Carriage or Private Hire Vehicle Mechanical Fitness Test (Twice Yearly)	£56
Re-Test if work carried out at garage or brought back to garage before the end of the next working day	Free
Re-test if work carried out at another garage but retested within 10 days	£28
Re-test if work carried out at another garage but not retested within 10 days	£56
Hackney Carriage or Private Hire Replacement Plate	£25
Hackney Carriage or Private Hire Change of Ownership	£55

Vehicle Replacement Licence	£10
Vehicle Change of Details	£10

Transponder Fees

Detail	Fee
Transponder Deposit	£80
Transponder Permit	£20

Operator Fees

Detail	Fee
Private Hire Operator New Application (1 Year)	£150
Private Hire Operator Renewal Application (1 Year)	£150
Private Hire Operator Renewal (5 Year)	£640
Private Hire Operator Replacement Licence	£10
Private Hire Operator Change of Details	£10

Sale of Goods

Detail	Fee
Crests (Sticky)	£6 each
Crests (Magnetic)	£8 each

DVSA Driving Test (Hackney Saloon Vehicles and Private Hire Saloon Vehicles Test)

(You will need to contact the DVSA to obtain the most current test charges but a guide is set out below)

Detail	Fee
Hackney saloon vehicles and private hire saloon vehicles (Weekday)	£79.66
Hackney saloon vehicles and private hire saloon vehicles (Evening, Weekend and Bank Holiday)	£96
Hackney wheelchair accessible vehicles (Weekday)	£92.94
Hackney wheelchair accessible vehicles (Evening, Weekend and Bank Holiday)	£112.34

Methods of Payment

The fees for hackney carriage and private hire licenses are non-refundable and must be made in full at the time of application/ renewal for the application/ renewal to be accepted and processed. Payment can be made:

By cash or By debit card

You will be issued with an official till receipt for all monies paid.

Please note that fees for the DVSA test will need to be paid directly to the DVSA.

Fees for the Medical will need to be paid directly to the respective surgery.

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APPENDIX G

VEHICLE STANDARDS

Hackney Carriage, Private Hire, Dual Driver, and Proprietor & Operator – Vehicle Standards

Cambridge City Council is required to adopt or implement its own policy in relation to National Inspection Standards of Taxi vehicles, both Hackney Carriages and Private Hire vehicles, having regard to the Best Practice Guide (prepared by the Technical Officer Group) in the light of operational needs and geographic circumstances, for the inspection of Taxi vehicles. These standards are designed and intended to provide a framework for authorities in setting and assessing standards for vehicle safety to ultimately determine when vehicles are presented for inspection or test whether or not they receive a pass certificate to enable their use to carry members of the public.

The Best Practice Guide was first introduced in October 2006 following consultation with various interested parties such as The Department of Transport, Vehicle & Operator Services Agency (VOSA), Disabled Persons Transport Advisory Committee (DPTAC) and the Institute of Licensing. Hackney carriage and private hire vehicles are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore in the interest of passenger and other road user's safety, a more stringent maintenance and testing regime is required.

The national guide sets out specific vehicle safety issues based on expert technical knowledge and experience of the Technical Officer Group. Its aim is to assist all licensing authorities and vehicle inspectors, by endorsing a minimum national vehicle inspection standard for Hackney Carriages and Private Hire Vehicles. This is subject to revision taking into account ongoing changes in public travel (e.g. the stretched limousine guidance note) and safety issues (e.g. trailing the introduction of the Safeguarding Vulnerable Groups legislation).

The Council has reviewed the Best Practice Guide as published by VOSA which is to be used in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety. VOSA is supportive of the Public Authority Transport Network (PATN) initiative to develop and share best practice and recognises the benefit to having a common standard to be applied nationwide.

The legislation governing Hackney Carriages and Private Hire Vehicles is the responsibility of The Department of Transport and this includes accessibility for disabled people including those who need to travel in a wheel chair.

All licensing authorities must ensure that each of their various licensing requirements is properly justified by the risk it aims to address. It needs to measure whether the cost of a requirement in terms of its effect on the availability of transport to the public

is at least matched by the benefit to the public.

The guidance seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in the MOT inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA but provides additional testing requirements to those in the MOT Inspection Manual.

The scope of the guidance is that it does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those that have caused difficulty or seem to be of particular significance. Environmental considerations include designated Air Quality Management Areas whereby local authorities can set vehicle emission standards for taxis and PHVs.

Private Hire and Hackney Carriages, whether designed to accommodate wheel chair passengers or not would generally be required to be fitted with at least four doors and four wheels and be right-hand drive. They would also be required to have adequate space for luggage and be capable of carrying at least four and no more than eight passengers in addition to the driver. These vehicles will not be accepted with blacked out windows. Passengers being carried in the vehicle must be visible from the outside. To allow a thorough examination of a vehicle or any part thereof, it must be presented for test in a clean condition. The vehicle presented, will fail the test if, in the opinion of the examiner, it is so dirty that it would be unreasonable for the test to be carried out.

A wheelchair accessible vehicle shall have a minimum door height and width and internal headroom equal to or larger than a London Taxi International FX4 Fairway Taxi. (These measurements are door width 680mm; door height 1270mm and inside height floor to roof 1320mm).

Section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008 and applies only to those vehicles deemed accessible by the local authority as being used for 'taxibus' services. This legislation imposes certain duties on drivers to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1000. It is recognised that local authorities can implement training requirements or, ultimately, powers to suspend or revoke licences.

Legislation gives local authorities a wide range of discretion over the types of vehicle that they can licence as hackney carriages and private hire vehicles. Cambridge City Council will only license a vehicle as a Hackney Carriage or Private Hire Vehicle if it complies with European Whole Vehicle (M1) type approval, M1 Low Volume Type Approval or UK National Small Series Type Approval and Individual Vehicle Approval (IVA).

Cambridge City Council currently licences MPV type vehicles able to carry 6 passengers. These incorporate boot seats which fold up and down but they do not allow access to and egress from the vehicle. We are proposing to allow currently licensed vehicles to continue until the end of their licensing life but have decided not to licence vehicles designed to carry any more than 4 passengers in future. This

decision has been taken on the grounds of safety.

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GENERAL

In general vehicles must:
Be suitable in type, size and design for the appropriate licence applied for. Sports saloons, drop head coupes, convertibles and touring cars will NOT be licensed.
Be covered by a satisfactory insurance policy.
Be safe and comfortable
Not be less than 4 feet 3 inches wide in the rear part of the body, where such measurements shall be taken 6 inches below the top and 6 inches in front of the rear backrest of the vehicle with both of the rear doors closed.
Have a minimum legroom for passengers using the rear seats of 8.5 inches, such measurement shall be taken from the rear door pillar to the nearest point of the rear seat squab.
Have provided for all passengers being carried in it, immediate and direct access to doors (minimum of 2 doors in the rear) that is available without assistance from any other person that will provide satisfactory means of escape in the event of an accident or emergency. A separate means of ingress and egress must be provided for the driver.
Be fitted with safety glass (i.e. if glass fractures it does not fly into fragments capable of causing severe cuts), which shall be replaced as soon as broken, discoloured or cracked.
Have windows that permit maximum visibility into, and out of, the vehicle. They must have no more than 25% tint value.
Be constructed so as to provide sufficient means by which any person in the vehicle may communicate with the driver.
Be fitted with the appropriate number of seatbelts according to the number of persons for which the vehicle is licensed to carry.
Be kept watertight.
Be provided with a means of opening and closing not less than one window on each side.

Have properly cushioned or covered seats.
Have floors covered with a proper carpet, mat or other suitable covering.
Be well maintained in a clean condition and in every way fit for public service.
Be provided with a means of securing luggage.
Be fitted with at least one no-smoking sign (showing the statutory no-smoking symbol) that is displayed in a prominent position in each compartment of the vehicle constructed or adapted to accommodate persons.
Not be fitted with celluloid or other highly flammable material.
Be provided with an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use.
Be provided with a first aid kit, which shall be carried in such a position as to be readily available for use.

The National standards set out include:

Lighting & Signalling Equipment	<ul style="list-style-type: none"> ▪ Stop Lamps- High Level Stop Lamps ▪ Electrical Wiring and Equipment ▪ Additional Lamps
Steering	<ul style="list-style-type: none"> ▪ Steering Control – Steering Wheel ▪ Steering Control – Steering Column ▪ Suspension Sprint Units and Linkage
Brakes	<ul style="list-style-type: none"> ▪ No additional inspection requirements
Tyres & Road Wheels	<ul style="list-style-type: none"> ▪ Tyres
Seat Belts	<ul style="list-style-type: none"> ▪ No additional inspection requirements
Body and Structure	<ul style="list-style-type: none"> ▪ Vehicle Body and Condition (Exterior) ▪ Vehicle Body, Security and Condition (Interior) ▪ Door and Seats ▪ Bumper Bars
Fuel and Emissions	<ul style="list-style-type: none"> ▪ Exhaust System ▪ Fuel System - Pipes and Tanks
Drivers view of the Road	<ul style="list-style-type: none"> ▪ Mirrors ▪ Windscreen ▪ Window glass or other transparent material
Additional Requirements	<ul style="list-style-type: none"> ▪ Speedometer ▪ Transmission ▪ Engine and Transmission Mountings ▪ Oil and Water Leaks ▪ Luggage/ Load Space
Ancillary Equipment	<ul style="list-style-type: none"> ▪ Wheelchair restraint and Access equipment ▪ Fire Extinguisher ▪ First Aid Kit

Section 1 – Lighting and Signalling Equipment

Stop Lamps – High Level Stop Lamps

Method of Inspection	Reason for Rejection
Any additional stop lamps fitted and connected must be tested.	
Where high level stop lamps are fitted and there is doubt as to whether they are connected, the benefit of this doubt should be given to the presenter	
Check the high level stop lamp where fitted: a) Is not obscured and is not obviously incorrectly positioned b) At least 50% of the lamp must be visible from the rear	a) It is obscured or obviously incorrectly positioned b) Less than 50% of the lamp is not working or is obscured

Electrical Wiring and Equipment

Method of Inspection	Reason for Rejection
<p>This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle:</p> <p>a) Check all wiring for:</p> <p> Condition Security Position</p> <p> Signs of overheating Heavy oil contamination</p> <p>b) Check the battery and carrier for:</p> <p> Security Battery for leaks</p> <p>c) Check all switches controlling all obligatory lights</p>	<p>a) Wiring</p> <p> Not adequately insulated Not adequately secured Positioned so it is chafing or clipped to a fuel line or likely to be damaged by heat so insulation becomes ineffective</p> <p> Clear evidence of overheating Heavily contaminated with oil</p> <p> A battery and carrier are not secure and likely to become displaced Battery leaking</p> <p> Insecurity or malfunction of a switch controlling an obligatory light</p>

Additional Lamps

Method of Inspection	Reason for Rejection
<p>With the ignition switched on check:</p> <p>Reversing Lamps</p> <ul style="list-style-type: none"> a) The reversing lamps emit a diffused white light when reverse gear is selected b) The lamps extinguish when neutral gear is selected c) The lamps are in good working order and are secure d) The lamps do not flicker when lightly tapped by hand. <p>Front Fog/ Driving Lamps</p> <ul style="list-style-type: none"> e) A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected f) A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together g) A pair of matched, long-range driving lamps, both emitting a white diffused light should illuminate together 	<ul style="list-style-type: none"> a) Fails to operate or does not emit a white diffused light b) Fails to extinguish when neutral or forward gear is selected c) Are not in good working order or insecure d) Lamps flicker when tapped lightly by hand. e) Lamp inoperative or operates other than in dipped beam mode f) Lamps operate incorrectly g) Lamps operate incorrectly
<p>'For Hire' and Roof signs, check that:</p> <ul style="list-style-type: none"> a) Correct style and type of sign fitted. b) Ensure the sign is securely fastened to the vehicle c) Check condition and security of wiring d) Functional test of signs for illumination 	<ul style="list-style-type: none"> a) Incorrect colour or details shown on sign i.e. registration number, vehicle number etc. b) Insecure sign c) Wiring is not in good condition and is loose or chuffed d) Illumination not consistent across the sign, i.e. all light bulb(s) LED(s) illuminated when switched on.

Section 2 – Steering

Steering Control – Steering Column

Method of Inspection	Reason for Rejection
<p>a) Try to lift the steering in line with the steering column and note the movement at centre of steering wheel</p> <p>b) Push steering wheel away and then pull it towards you. Note any side play.</p> <p>c) While steering wheel is rotated, check for deterioration in any flexible coupling or universal joint of steering column.</p> <p>d) Where practical, check any clamp bolts for presence and security of locking devices. (These may be located in the engine compartment or under chassis).</p>	<p>a) Excessive movement of centre of steering wheel in line with steering column (end float).</p> <p>Note: Certain types of steering column might show some movement not due to excessive wear, e.g. those fitted with universal joints or flexible couplings</p> <p>b) Excessive side play indicating worn top bearings or insecure top mounting bracket</p> <p>c) A flexible coupling or universal joint deteriorated, worn or insecure,</p> <p>d) A coupling clamp bolt or locking device loose or missing.</p>

Suspension Spring Units and Linkages

Method of Inspection	Reason for Rejection
<p>Coil Sprints</p> <p>a) Welding repairs</p>	<p>a) Repaired by welding</p>

Section 3 – Brakes

No additional inspection requirements

Section 4 – Tyres and Roadwheels

Tyres - Condition

Method of Inspection	Reason for Rejection
<p>On all the tyres, including spare wheel - where fitted, examine each tyre meets all the requirements laid down in the MOT Inspection Manual for Car & Light Commercial Vehicles (ISBN 0- 9549239-0-1)</p> <p>Note 1 <i>Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.</i></p>	<p>In accordance with the MOT Inspection Manual for Car & Light Commercial Vehicles (ISBN 0-9549239-0-1)</p> <p>Note 2 <i>Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed and that space savers are a temporary 'get-you-home tyre'.</i></p>

Section 5 – Seatbelts

No additional inspection requirements

Section 6 – Body and Structure

Vehicle Body and Condition

Method of Inspection	Reason for Rejection
<p>Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.</p>	<ul style="list-style-type: none">a) An insecure or missing body panel, trim, step or accessory.b) Any sharp edge whatsoever which may cause injury.c) Heavy scuffing, abrasions or deformation to front and rear bumper.d) A single obvious dent or more than 3 obvious dents in any one panele) A significant amount of condensed stone chips in any of the areas on the vehiclef) Dull, faded paintwork which has lost its gloss finish or paint miss match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle.g) Evidence of poor repairs and or paint finish to a repaired panel(s) including runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle.h) Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs.i) Lack of clearly displayed or omission of 'No Smoking' signs

Vehicle Body, Security and Condition (Interior)

Any vehicle presented in a dirty, untidy condition will not be tested

Method of Inspection	Reason for Rejection
<ul style="list-style-type: none"> a) Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories. b) Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. c) Remove mats to inspect carpets underneath for cleanliness and wear. d) Examine interior lights, motion door locks and warning lights. e) Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters) f) Examine all windows ensuring they allow lowering and rising easily. g) Examine interior door locks, grab handles/rails safety covers h) Examine grills/partitions for security and condition i) Examine electrical wiring for condition, security, including intercom systems. 	<ul style="list-style-type: none"> a) Insecure and loose fixtures, fittings or accessories. b) Missing, dirty, soiled, stained worn or insecure trim, carpets, headlining, and mats. c) An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment) d) Missing or defective motion switch/lock or warning lamp not illuminated e) A system(s), which does not function correctly, or any part is missing including vents, controls and switches. f) An opening window that is inoperative or difficult to open and or close mechanism broken/missing. g) Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess. h) A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver. i) Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily

<p>j) Examine the boot for access, contents, cleanliness, and water ingress.</p> <p>In the case of novelty vehicles:</p> <p>k) All fixtures and fittings i.e. mirror balls, drinks cabinets, televisions etc. must be stored securely and not hinder the ingress or egress from the passenger compartment.</p> <p>l) A notice identifying the maximum seating capacity to be displayed in the passenger compartment and clearly visible to all passengers. It may be necessary to display more than one sign indicating the maximum seating capacity.</p>	<p>disconnected. Intercom system defective, warning light inoperative and signs illegible/missing.</p> <p>j) Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and or carpets, loose items stored in boot (i.e. spare wheel tools and equipment etc).</p> <p>k) Any fixture or fitting, that is loose or insecure or where walkways are blocked that prevents ease of ingress or egress from the passenger compartment.</p> <p>l) No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers</p>
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Doors and Seats

Method of Inspection	Reason for Rejection
<p>Door Configurations for wheelchair accessible vehicles:</p> <ul style="list-style-type: none">a) Single rear door – must open to a minimum of 90 degrees and be capable of locking in place.b) Twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place. This is to enable an attendant (driver or guide) to assist the wheelchair passenger if required.	<ul style="list-style-type: none">a) Door does not open to a full 90 degrees and cannot be secured in the open positionb) Twin doors do not open to a full 180 degrees and cannot be secured in the open position

Access and Egress

Method of Inspection	Reason for Rejection
<p>Passenger seating must allow for access and egress by means of a door</p>	<p>Seat does not have a dedicated door and does not allow access and egress</p>

Bumper Bars

Method of Inspection	Reason for Rejection
<p>Examine the bumper and check:</p> <ul style="list-style-type: none">a) They are secure to their mountingsb) The mountings are secure to the vehiclec) There is no evidence of damage	<ul style="list-style-type: none">a) A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs.b) A fractured mounting bracket. Mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. A bumper bar secured by wire or other temporary means is regarded as insecure and must be rejected.c) Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint miss match or fading which is significantly different to that of the rest of the paintwork

Section 7 – Fuel and Emissions

Exhaust System

Method of Inspection	Reason for Rejection
<p>Where applicable, check for presence, security and adequacy of grease shields to hot exhausts.</p>	<p>A heat shield missing, insecure or inadequate</p>

Fuel System – Pipes and Tanks

Method of Inspection	Reason for Rejection
<p>a) Examine fuel tank(s) for security and leaks</p> <p>b) Check that fuel tank filler caps are: Present Of the correct type Secure and seated properly</p> <p>c) Examine pipes to see they are securely clipped to prevent damage by chafing and cracking, and are not in a position where they will be fouled by moving parts</p> <p>d) Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system</p>	<p>a) Fuel tank insecure or leaking</p> <p>b) A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling</p> <p>Note: Temporary/emergency fuel caps are not permitted.</p> <p>c) Damaged, chafed, insecure pipes, or pipes so positioned that there is a danger of them fouling moving parts</p> <p>d) A fuel pipe immediately to or in direct contact with electrical wiring or exhaust system</p>

Section 8 – Drivers View of the Road

Mirrors

Method of Inspection	Reason for Rejection
<p>The number and position of all obligatory mirrors must be checked:</p> <p>a) Check the condition of each mirror reflecting surface and whether a person sitting in the driver's seat can see clearly to the rear</p>	<p>a) Mirror condition:</p> <p>A mirror reflecting surface deteriorated or broken.</p> <p>In such a position that a person sitting in the driver's seat cannot see clearly to the rear.</p>

Windscreen – View to the Front

Method of Inspection	Reason for Rejection
<p>Sit in the driver’s seat and check that there is reasonable view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>a) For all air operated wipers examine:</p> <ul style="list-style-type: none"> The condition of any visible piping The function of the operating mechanism, and The function of necessary valves to protect the braking system <p>Note: Equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the designed forward view of the driver. In particular, objects such as (but not limited to) pennants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers.</p>	<p>The position or size of any object restricts the driver’s view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>a) Air operated wipers</p> <ul style="list-style-type: none"> Pipes inadequately clipped or supported Incorrect function of the wipers or leaking components Incorrect operation of protection valves

Window Glass or Other Transparent Material

Method of Inspection	Reason for Rejection
<ul style="list-style-type: none"> a) Visually check the condition of all windscreens, internal screens, partitions, side, rear, roof and door windows for cracks, surface damage and discolouration. b) Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions. c) Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows. d) Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions e) For all vehicles first used before 1 January 1959. As far as is practicable, check that glass fitted to windscreens and outside windows facing to the front is safety glass, except glass fitted to the upper deck of a double deck bus. f) For all vehicles used on or after 1 January 1959, as far as is practicable, check that glass used for windscreens and all outside windows is safety glass, or safety glazing. g) Vehicles first used on or after 1 June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers' seat are made from safety glass displaying an acceptable safety mark. 	<ul style="list-style-type: none"> a) A crack, surface damage or discoloration in glass or other transparent material that impairs the driver's front, side, or rear view of the road, or presents a danger to any person in the vehicle. b) windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure. c) Any external window or windscreen is obviously leaking. d) A guard-rail or barrier at a window, internal screen or partition missing, insecure or damaged. e) The windscreen and/or any outside window facing to the front of a vehicle obviously not safety glass fitted to a vehicle first used before 1 January 1959. f) Glass used for a windscreen or an outside window is obviously not safety glass. g) For vehicles first used on or after 1 June 1978, that windscreens and/or other windows wholly or partly on either side of the driver's seat that are not made from safety glass display an acceptable safety mark
<p>Note: Marking is not required for safety glass used on vehicles first used before 1 June 1978.</p>	

Section 10 – Additional Requirements

Speedometer

Method of Inspection	Reason for Rejection
<ul style="list-style-type: none"> a) Check that a speedometer is fitted b) Check the condition of the speedometer c) Check that the speedometer can be illuminated. 	<ul style="list-style-type: none"> a) Speedometer not fitted. b) Speedometer not complete or clearly inoperative, or dial glass broken or missing. c) The speedometer cannot be illuminated

Transmission

Method of Inspection	Reason for Rejection
<p>Examine transmission, check for:</p> <ul style="list-style-type: none"> a) Missing or loose flange bolts b) Cracked or insecure flanges c) Wear in shaft and/or wheel bearings d) Security of bearing housings e) Cracks or fractures in bearing housings f) Wear in universal joints 	<ul style="list-style-type: none"> a) A loose or missing flange bolt(s) b) A flange cracked, or loose on the transmission shaft c) Excessive wear in shaft bearing d) A bearing housing insecure to its fixing e) A cracked or fractured bearing housing f) Excessive wear in a universal joint

<ul style="list-style-type: none"> g) Deterioration of flexible couplings h) Distorted, damaged shafts i) Deterioration of bearing housing flexible mountings j) Clearance between transmission shafts and adjacent components 	<ul style="list-style-type: none"> g) Deterioration of a transmission shaft flexible coupling h) A damaged, cracked or bent shaft i) Deterioration of a flexible mounting of a bearing housing j) Evidence of fouling between any transmission shaft and an adjacent component
<p>Front Wheel Drive</p> <p>Check the drive shaft inner and outer universal joint couplings and constant velocity joints for:</p> <p>Wear and Security</p> <p>Damage to flexible rubber or fabric universal joints</p> <p>Security and oil contamination of flexible rubber or fabric universal joints</p> <p>Condition, presence and security of constant velocity joint gaiters</p>	<p>Drive shaft constant velocity or universal joint coupling worn or insecure</p> <p>A flexible rubber or fabric universal coupling unit damaged by severe cracking or breaking up</p> <p>A flexible rubber or fabric universal coupling unit excessively softened by oil contamination or insecure</p> <p>A drive shaft constant velocity joint gaiter split, missing or insecurely mounted</p>

Engine and Transmission Mountings

Method of Inspection	Reason for Rejection
<p>Examine condition of:</p> <ul style="list-style-type: none"> a) Mountings b) Sub-frames c) Security to chassis and check for Fractures Looseness Deterioration 	<p>Any mounting or sub-frame</p> <ul style="list-style-type: none"> - loose - fractured - deteriorated - inappropriate repair

Oil and Water Leaks

Method of Inspection	Reason for Rejection
<ul style="list-style-type: none"> a) Check vehicle for oil and water leaks from any assembly or component to the ground. b) And/ or which could be deposited on surrounding bodywork or onto the exhaust system. <p>Note: If necessary, the engine can be run at idle speed to confirm the existence of an oil leak.</p>	<ul style="list-style-type: none"> a) An oil or water leak, from any assembly, which deposits fluids underneath the vehicle whilst stationary. b) Leaks which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and brake system so that it would: <ul style="list-style-type: none"> Contaminate areas Could potentially cause a health, safety or fire risk

Luggage/ Load Space

Method of Inspection	Reason for Rejection
<p>Physical separation is not so much an issue as is the safety of passengers in the event of an accident.</p> <p>The luggage should therefore be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Such security can be by means of a sheet or net, which could be anchored to the floor of the luggage area.</p> <p>Clearly if the luggage compartment is not physically separated from the passenger compartment then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged.</p>	<p>Load restraint system, if required, not present at time of test.</p> <p>Load restraint system faulty or unserviceable</p>

Section 11 – Ancillary Equipment

Wheelchair Restraint and Access Equipment

Method of Inspection	Reason for Rejection
<p>WHEELCHAIR RESTRAINT</p> <p>a) Where applicable check condition and operation of wheelchair restraint.</p> <p>b) A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces.</p> <p>WHEELCHAIR ACCESS & EQUIPMENT</p> <p>A vehicle shall be fitted with either of the following forms of wheelchair access equipment:</p> <p><u>Ramps</u></p> <p>c) Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering.</p> <p><u>Wheelchair lift</u></p> <p>d) A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheelchair lift will require a LOLER certificate that is valid for a period of six months from the date of issue.</p>	<p>a) A wheelchair restraint is defective, worn or missing.</p> <p>b) Wheelchair anchorage systems and devices does not conform to European Directive 76/115 EEC (as amended by 90/629 EEC).</p> <p>c) Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing.</p> <p>d) Vehicle not presented with a valid or current LOLER certificate access equipment:</p>

Note:

Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months.

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| <p>e) Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250 kgs and certified to BS 6109.</p> | <p>e) The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109.</p> |
| <p>f) Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the near side of the vehicle, i.e. kerbside when stopped in a normal road.</p> | <p>f) Wheelchair access equipment is fitted to the off- side access door of the vehicle.</p> |
| <p>g) The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1,220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either, the upper face of the fully raised lift platform, or the upper face of the ramp fully deployed on level ground.</p> | <p>g) There is not clear headroom in the aperture within the central third of 48 inches (1,220mm).</p> |
| <p>h) A locking mechanism shall be fitted that holds the access door in the open position whilst in use.</p> | <p>h) No evidence of a suitable locking mechanism to hold the door open.</p> |
| <p>i) All wheelchair tracking must be fit for purpose and structurally sound</p> | <p>i) Damaged or insecure tracking or detritus deposits within the tracking rails</p> |

Fire Extinguisher

Method of Inspection	Reason for Rejection
<p>a) Check the fire extinguisher for presence:</p> <ul style="list-style-type: none">• the expiry date• Seal.• Type – water, CO₂ or foam or dry powder• Approved mark - BS5423 or EN3 <p>b) The fire extinguisher must be kept in an accessible position inside the vehicle. The extinguisher may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</p>	<p>a) A fire extinguisher is missing or:</p> <ul style="list-style-type: none">• out of date• broken or missing seal.• No approved marking visible or other non-approved marking shown <p>b) Not fitted in an accessible position or its position is not clearly marked</p>

First Aid Kit

Method of Inspection	Reason for Rejection
<p>a) Check the first aid kit for presence, the expiry date and the seal is intact.</p> <p>b) The first aid kit must be kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</p>	<p>a) A first aid kit is missing, out of date, broken or the seal has been broken.</p> <p>b) The first aid kit is not fitted in an accessible position or its position is not clearly marked</p>

Definition of Motor Vehicles

CATEGORY	DEFINITION
M	A motor vehicle with at least four wheels designed and constructed for the carriage of passengers
M1	Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat
M2	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding five tonnes
M3	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding five tonnes

APPENDIX H

Process for Plate Exemption (Private Hire Vehicles Only)

1. Proprietors of prestige type vehicles licensed as Private Hire vehicles, or Private Hire vehicles used in special circumstances, may seek the permission of the Authority to waive the conditions of their licence relating to the display of licence plates.
2. Prestige vehicles remain licensed as Private Hire vehicles and all journeys and contracts must be pre-booked through a licensed Operator, although such vehicles should be used solely to undertake prestige work and should not be despatched to customers in the ordinary way.
3. Proprietors wishing to obtain an Initial plate exemption will be asked to book an Assessment of their Vehicle with a Licensing & Enforcement Officer (LEO). This will allow the LEO to inspect the vehicle and to give further advice on the plate exemption procedure. If the vehicle is already licensed with Cambridge City Council, Proprietors **MUST** schedule the Assessment **AT LEAST** three weeks prior to their vehicle licence renewal date.
4. At the Assessment, the LEO will complete the Assessment Form and decide whether or not the Vehicle is deemed to be a prestige type vehicle. If so, the Proprietor will be given a Plate Exemption Application Form to complete.
5. The Proprietor will complete the Plate Exemption Application Form and submit to the LEO for final consideration (and pay the appropriate fee).
6. Newly licensed vehicles which are accepted as Executive/ Prestige type vehicles for the purposes of vehicle plate exemption will **not be entitled to have a transponder**. Existing vehicles transferring to plate exemption will be required to surrender their transponder. In this event, if the transponder returned is the one which matches with our records and is in full working order then we can make arrangements for the deposit to be refunded to the proprietor (this can take up to 14 working days).
7. In exceptional circumstances, applications may be considered part way through the life of an existing vehicle licence. This is at the discretion of the Licensing & Enforcement Manager. If an exemption is granted, the remaining term of the exemption will run until the vehicle licence end date.
8. The Licensing & Enforcement Officer will review the exemption application based on the information provided on the application form and the detail given as to why the request is being made.
9. If approved, the proprietor will be notified of the successful application and will

be issued with the following:

- i) An agreement letter detailing that the vehicle is exempt from displaying a Private Hire Plate. The agreement is required to be carried on the vehicle at all times and to be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
- ii) A windscreen sticker for display in the front windscreen of the vehicle denoting that the same information as a Private Hire Vehicle Plate.
- iii) A Private Hire Vehicle Plate to be secured/ fixed into the boot of the vehicle.

10. If the exemption request is not approved, the Licensing & Enforcement Officer will write to the applicant giving reasons as to why the application has been refused.

11. Proprietors will make an application in the first instance and will not be expected to renew the exemption on an annual basis. However, if the licence is for a different vehicle to that which has been granted the initial exemption, then the Proprietor will need to make another application.

12. The following conditions will be attached to the licences of private hire vehicles where a plate exemption waiver has been made. These are detailed below:

- i) Vehicles granted a plate exemption waiver shall be used only for Prestige type hirings and shall not be used for standard private hirings.
- ii) The Operator receiving a booking for a plate exempted vehicle shall provide the hirer with details of the vehicle registration number and the name of the driver, prior to the hiring commencing.
- iii) The private hire identification disc issued by the Council shall be displayed within the front nearside of the windscreen at all times and legible from outside the vehicle.
- iv) The rear vehicle licence plate shall be securely fixed within the boot of the vehicle in a manner which enables it to be easily inspected.
- v) The driver's badge shall be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
- vi) The Council's agreement to a plate exemption is required to be carried on the vehicle at all times and to be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.

- vii) The driver of a plate exempted vehicle shall wear professional business attire.
- viii) The hirer shall not have the facility to settle accounts and / or tender direct payment to the driver by any means. Payment may only be made, either before or after the journey, direct to the Operator or their accounting system.
- ix) No alcoholic drink shall be sold or purchased in or from the vehicle.

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APPENDIX I

INFORMATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING

Vehicle Process

There are several things that you need to do/ to have in order to make a new or renewal application for a hackney carriage or private hire vehicle.

PLEASE NOTE THAT IF YOU ARE APPLYING TO:

- a) LICENCE A NEW WHEELCHAIR ACCESSIBLE VEHICLE ON AN EXISTING HACKNEY CARRIAGE PLATE (HCV123 or ABOVE), or;
- b) LICENCE A NEW WHEELCHAIR ACCESSIBLE VEHICLE ON A NEW PRIVATE HIRE PLATE

YOU WILL NEED TO CONTACT THE CUSTOMER SERVICE CENTRE IN THE FIRST INSTANCE, BEFORE COMMENCING ANY PART OF THE PROCESS, ON 01223 457888 IN ORDER TO DISCUSS WITH A MEMBER OF THE LICENSING TEAM.

Please note that there is the facility to request a call back during busier periods by pressing '1' at any point during the call.

For new non-wheelchair vehicles and licence renewals, the first action to be undertaken is to have the vehicle tested. The details of this process are set out below:

STEP 1 – BOOK A VEHICLE TESTING 'TEST 1' APPOINTMENT

Please telephone the Garage directly on 01223 458266 to book your appointment. (You can also schedule your appointment with the Customer Service Centre (CSC) at this time to ensure your application can be processed within good time Tel: 01223 457888)

You will need to provide all details of the vehicle which needs to be tested (vehicle registration, make, model and plate number) and have read and understood these guidance notes.

STEP 2 – ATTEND THE GARAGE 'TEST 1' APPOINTMENT TO HAVE THE VEHICLE TESTED

The Council requires that all licensed vehicles are tested at least twice a year. The first test must be carried out prior to the grant of the Licence (when a Certificate of Compliance will be issued for 6 months) and the second test must be carried out prior to the expiry of the Certificate or Compliance issued on passing the first test.

The expiry date of the Certificate of Compliance will be:

- six months minus one day from the date of the test (for the first test);
- the expiry date of the Licence period (for the second test).

For a vehicle to pass a test, it must comply with both:

- Vehicle mechanical standard and;
- Vehicle visual standard

Before the test you must ensure that your vehicle is clean inside and out. You must be aware that dirty vehicles will not be examined and the test fee will still be due.

If you fail to attend the appointment or cancel at short notice (less than 24 hours) the test fee will still be payable in addition to the test(s) you actually attend.

STEP 3a – WHEN THE VEHICLE PASSES THE ‘TEST 1’

When the vehicle passes the ‘Test 1’ test, a Certificate of Compliance (COC) will be issued. At this stage while at the garage you must:

- Pay the vehicle test fee
- Book ‘Test 2’ date and time

STEP 3b – IF A VEHICLE FAILS THE ‘TEST 1’

In the event that a vehicle should fail ‘Test 1’, a failure sheet will be issued detailing the non-compliant areas which need to be addressed. The vehicle will need to have the repairs carried out either at the Garage, or at a garage of your choosing.

Once the repairs have been undertaken a ‘Re-Test’ appointment must be booked (within 10 days of the initial ‘Test 1’ date).

Please note that a vehicle cannot be used for hire and reward or pre-booked journeys without a current and valid Certificate of Compliance being in force. If a vehicle licence is in force when the vehicle is tested and it fails the test, the licence will be suspended.

The vehicle cannot be used again for Hackney Carriage or Private Hire purposes until either a test has been passed and the suspension has been lifted or where the Licence expires following the suspension, until a new Licence is issued.

Where a vehicle licence has been suspended, the Council may attach a ‘Licence Suspended’ sticker to the licence plate or may remove the plate from the vehicle. A charge will be made to replace a suspended plate.

New Vehicle Applications

STEP 4 – OBTAINING THE VEHICLE LICENCE

Only once a Certificate of Compliance has been obtained, can the rest of the application process take place.

Please telephone the Customer Service Centre directly on 01223 457888 to book your appointment to obtain your vehicle licence and plates. Specify that this is a new vehicle which needs to be licensed.

If you are unable to make the scheduled appointment, you must advise the Customer Service Centre within a timeframe no later than two working days.

Please note that there is the facility to request a call back during busier periods by pressing '1' at any point during the call.

Please note the Customer Service Centre Opening Hours are:

Monday - Friday 9:00am - 5:15pm

Please note that the appointment will take no less than one hour so you will need to allow adequate time for this. At your appointment you will need to bring:

a) Completed Vehicle Application Form (INCOMPLETE APPLICATION FORMS WILL NOT BE PROCESSED)

Please ensure that you detail:

- i) The Vehicle Registration Number
- ii) Date of registration
- iii) Make, model and colour of the vehicle
- iv) Number of passengers
- v) Insurance details
- vi) Any Operator and/ or driver details
- vii) Full name, address, post code, date of birth, place of birth, contact information, criminal conviction information and declaration for ALL proprietors
- viii) **ALL Proprietors** have read the declaration on back and signed and dated the form

The proprietor (or at least one of the proprietors if there are more than one) must be the registered keeper of the vehicle and this must be shown on the logbook.

b) Certificate of Compliance

The COC issued by the Garage.

c) Insurance Certificate

A valid, up to date insurance certificate (original copy) must be provided at the appointment to cover the start of the new licence.

d) Vehicle Registration Document

The V5 for the Vehicle to be licensed. If the V5 is not available, the new keepers slip or a bill of sale must be provided.

e) Vehicle Type Approval Certificate

This can be either:

- (i) European Community Whole Vehicle (M1) Type Approval,

- (ii) M1 Low Volume Type Approval
- (iii) National Small Series Type Approval
- (iv) Individual Vehicle Approval

f) You **must** surrender (hand in) your existing plates (where applicable) before the new plates will be issued (Hackney Carriage Vehicles have one plate; Private Hire Vehicles have two plates).

g) Your most recent Disclosure & Barring Service (DBS) Certificate
Please note that if you are **NOT** currently a licensed driver with Cambridge City Council, you will be required to present a Basic DBS Certificate for your role as Proprietor. You can obtain a Basic DBS Certificate online here:
http://www.disclosurescotland.co.uk/disclosureOnline/BDO_Instr.htm

All the documents presented to us must be the original and, where necessary, fully completed and the information must be accurate.

h) **The correct fee.**
As detailed in Appendix F (fees correct as at 1 April 2016), dependent on the Vehicle:

Renewal of Licences for Hackney Carriage and Private Hire Vehicles

Vehicle Licences will generally be issued for 1 year.

The application procedure is as outlined above (steps 1-3). A vehicle test may be booked at any time within the 30-day period immediately prior to the existing Licence expiring. Please ensure that the test is booked as far in advance as possible within this timescale to ensure that a Licence can be granted prior to the expiry of the existing Licence.

The responsibility for applying to renew a Licence rests solely with the Licence holder.

Only once a Certificate of Compliance has been obtained, can the rest of the application process take place.

Please telephone the Customer Service Centre directly on 01223 457888 to book your appointment to obtain your vehicle licence and plates.

If you are unable to make the scheduled appointment, you must advise the Customer Service Centre within a timeframe no later than two working days.

Please note that there is the facility to request a call back during busier periods by pressing '1' at any point during the call.

Please note the Customer Service Centre Opening Hours are:

Monday - Friday 9:00am - 5:15pm

Please note that the appointment will take no less than one hour so you will need to allow adequate time for this. At your appointment you will need to bring:

a) Completed Vehicle Application Form (INCOMPLETE APPLICATION FORMS WILL NOT BE PROCESSED)

Please ensure that you detail:

- i) The Vehicle Registration Number
- ii) Date of registration
- iii) Make, model and colour of the vehicle
- iv) Number of passengers
- v) Insurance details
- vi) Any Operator and/ or driver details
- vii) Full name, address, post code, date of birth, place of birth, contact information, criminal conviction information and declaration for proprietors
- viii) **Proprietors** have read the declaration on back and signed and dated the form.

Please note that if only one Proprietor signs the application form (and there is more than one proprietor), the person signing agrees that they are signing with the knowledge and consent of any other named proprietors for the vehicle licence. The vehicle licence will be issued in the name of all joint proprietors. Any changes can only be made by submitting a change of vehicle proprietor application.

The proprietor (or at least one of the proprietors if there are more than one) must be the registered keeper of the vehicle and this must be shown on the logbook.

b) Certificate of Compliance

The COC issued by the Garage.

c) Insurance Certificate

A valid, up to date insurance certificate (original copy) must be provided at the appointment to cover the start of the new licence.

d) Vehicle Registration Document

The V5 for the Vehicle to be licensed.

e) Your most recent Disclosure & Barring Service (DBS) Certificate

Please note that if you are NOT currently a licensed driver with Cambridge City Council, you will be required to present a Standard DBS Certificate for your role as Proprietor. You can obtain a Basic DBS Certificate online here: http://www.disclosurescotland.co.uk/disclosureOnline/BDO_Instr.htm

- f) You **must** surrender (hand in) your existing plates before the new plates will be issued (Hackney Carriage Vehicles have one plate; Private Hire Vehicles have two plates).

All the documents presented to us must be the original and, where necessary,

fully completed and the information must be accurate.

g) The correct fee.

As detailed in Appendix F (fees correct as at 1 April 2016), dependent on the Vehicle:

STEP 6 – LICENCE AND VEHICLE PLATE

Your vehicle plate and licence will only be issued at the Customer Service Centre once you have passed all of the application procedures. There are no exemptions to bypass any area of the application procedures.

STEP 8 – ATTEND THE GARAGE ‘TEST 2’ APPOINTMENT TO HAVE THE VEHICLE TESTED (MID-YEAR TEST)

The ‘Test 2’ takes place six months after ‘Test 1’, and is booked at the time of ‘Test 1’ being passed, directly with the Garage.

In order to use the licensed vehicle you must be in possession of a valid Certificate of Compliance for the vehicle. At no time can the vehicle be used if the Certificate of Compliance has expired. It is the responsibility of the Proprietor(s) to ensure the vehicle testing, and associated documentation, is up to date. There are no exceptions.

STEP 8a – WHEN THE VEHICLE PASSES THE ‘TEST 2’

When the vehicle passes the ‘Test 2’ test, a Certificate of Compliance (COC) will be issued (once paid for at the garage).

STEP 8b – IF A VEHICLE FAILS THE ‘TEST 2’

In the event that a vehicle should fail ‘Test 2’, a failure sheet will be issued detailing the non-compliant areas which need to be addressed. The vehicle will need to be have the repairs carried out either at the Garage, or at a garage of your choosing.

Once the repairs have been undertaken a ‘Re-Test’ appointment must be booked (within 10 days of the initial ‘Test 2’ date) directly with the Garage.

Please note that a vehicle cannot be used for hire and reward or pre-booked journeys without a current and valid Certificate of Compliance being in force. If a vehicle licence is in force when the vehicle is tested and it fails the test, the licence will be suspended.

The vehicle cannot be used again for Hackney Carriage or Private Hire purposes until either a test has been passed and the suspension has been lifted or where the Licence expires following the suspension, until a new Licence is issued.

Where a vehicle licence has been suspended, the Council may attach a ‘Licence Suspended’ sticker to the licence plate or may remove the plate from the vehicle. A charge will be made to replace a suspended plate.

Crests

Please note that crests for vehicles will only be available to purchase at Cashiers, Mandela House.

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APPENDIX J

Information for New Hackney Carriage, Private Hire and Dual Drivers

Guidance

These guidance notes set down the procedure and steps that you need to follow in order to become a licensed driver with Cambridge City Council. There are a number of elements to the process which have different requirements and timescales. In order to assist you, please look out for this sign within this booklet:



This denotes action that you need to take or particular information which you need to understand and take note of.

Application Process

Some elements of the process require services to be accessed and/ or provided by other, external agencies for which there are set fees and charges. Please note that the City Council is not liable for any costs incurred by you as an applicant for these. There are several things that you need to do/ to have in order to make an application for a hackney carriage/ private hire/ dual licence:

STEP 1 – KNOWLEDGE TEST REGISTRATION

In order to commence the new driver application process you must first register to take a Cambridge City Council Knowledge Test. Only once you have passed the Knowledge Test may you continue with the application process.



In order to register for a Knowledge Test in the first instance you must complete a Driver Knowledge Test Registration Form which can be found online here: <https://www.cambridge.gov.uk/become-a-taxi-driver>



Once completed you must submit the form and pay the appropriate fee. A current list of our fees can be found online here: <https://www.cambridge.gov.uk/fees-for-taxi-licensing>



You can pay the fee by card over the telephone by calling 01223 457888. When you have paid you will be given a receipt number which must be entered on to your Registration Form.

STEP 2 – KNOWLEDGE TEST BOOKING

Once payment and your registration has been received, this will be logged on our system and a Knowledge Test date and time will be emailed to you within 10 working days.



If you are unable to make the date which has been scheduled for you, please contact the Customer Service Centre on 01223 457888 as soon as possible in order to rearrange the date.

STEP 3 – TAKING THE KNOWLEDGE TEST

The test is for private hire, hackney carriage and dual drivers and is a computerised multiple choice test comprising of 100 questions. **When attending the knowledge test you will need to produce your DVLA Driving Licence number (if you do not have the photo-card style driving licence you will need to produce an additional form of photographic ID). You will also need to provide your National Insurance Number. Please bring these with you when you attend. Failure to do so will result in you being unable to sit the test.**

To pass the Knowledge Test you will need to score 80% or above. Further information on the Test can be found further on within these guidance notes.

There is a charge for each attempt at the Knowledge Test and you are permitted a maximum of 4 attempts (where necessary to book tests 2, 3 & 4 please telephone the Customer Service Centre on 01223 457888).

If after a year from your Knowledge Test Registration you have not passed the Knowledge Test your details will be removed from our system.

Please note that no refunds are given in the event of missed or failed Knowledge Tests, or if, as stated above, you do not pass the Knowledge Test within a year.

STEP 4 - DRIVER APPLICATION



Please telephone 01223 457888 to book an application appointment. Please note that you can only do this once you have successfully passed the Knowledge Test and have been issued with the 'Confirmation of Passed Knowledge Test' document.

Please note that there is the facility to request a call back during busier periods by pressing '1' at any point during the call.

You will need to make an appointment at the Customer Service Centre to meet with a member of the Licensing Team in order to commence the second stage of the application process.

Please note the Customer Service Centre Opening Hours are:

Monday - Friday 9:00am - 5:15pm

You need to:

- Have been authorised to drive a car in the UK (e.g. held a full driving licence issued by a state in the European Economic Area) for a minimum of one year and hold a current DVLA UK photocard style driver's licence.
- Have read and understood these guidance notes.

STEP 5 – AT THE APPOINTMENT



You will need to bring to the appointment:

i) Completed Driver's Application Form

Please ensure that you detail:

- i) All names which you are or have been known by
- ii) The Town, County and Country in which you were born
- iii) Full five-year address history
- iv) Declaration of all live convictions including points on your driving licence
- v) Full Driving licence details
- vi) You have read the declaration on back and signed and dated the form
- vii) The application form must be filled in by yourself and NOT by someone on your behalf.

j) Evidence of eligibility to live and work in the UK

If appropriate you must provide one of the following:

- Passport
- Residence Permit
- Visa
- Sponsorship details
- Home Office correspondence

Further information on eligibility to live and work in the UK can be found further on within these guidance notes.

k) Identification for Disclosure & Barring Service (DBS) Check

You must provide one of the following:

- Passport
- Biometric Residence Permit
- Current Driving Licence
- Birth Certificate

Plus two of the following (not already used above):

- Passport
- Biometric Residence Permit
- Current Driving Licence
- Birth Certificate
- Marriage/ Civil Partnership Certificate
- Adoption Certificate
- HM Forces ID Card
- Firearms Licence
- Mortgage Statement (issued in the last 12 months)
- Bank or Building Society Statement (issued in the last 3 months)
- Bank or Building Society Account Opening Confirmation Letter (must still be valid)
- Credit Card Statement (issued in the last 3 months)

- Financial Statement e.g. pension or endowment (issued in the last 12 months)
- P45 or P60 Statement (issued in the last 12 months)
- Council Tax Statement (issued in the last 12 months)
- Work Permit or Visa (valid up to expiry date)
- Letter of sponsorship from future employment provider (must still be valid)
- Utility Bill (issued in the last 3 months)
- Benefit Statement e.g. child benefit, pension (issued in the last 3 months)
- Central or Local Government, Government Agency or Local Council Document giving entitlement e.g. from DWP, HMRC (issued in the last 3 months)
- EU National ID Card (must still be valid)

All the documents presented to us must be fully completed and the information must be accurate i.e. in the same surname (last name), first names, address, date of birth, National Insurance number etc

l) DBS Update Service Information if you have subscribed to the DBS Update Service you will need to bring the original DBS Certificate which you used to subscribe to the service in order that the necessary check can be undertaken.

m) Completed Data Protection Mandate Form Cambridge City Council employs the services of Intelligent Data Systems (IDS) which is a secure, fully managed, driving licence verification service which verifies an individual driving licence record and status securely.

From 8 June 2015, the paper counterpart to the photo card driving licence will not be valid and will no longer be issued by DVLA. Any endorsements will only be recorded electronically by the DVLA and in accordance with Data Protection. Therefore, **IT IS ESSENTIAL** that you inform us of any endorsements or driving convictions.

n) Certificate of Good Conduct (where required, please note that all applicants who have lived out of the UK for a period of 6 months or more within the last 5 years must provide a Certificate of Good Conduct from either their own Embassy or the countries where they have been resident. The certificate must be produced with a translation and bear the official seal of the Embassy.)

o) 2 passport sized photographs (these will be verified and used as your driver ID)

p) Confirmation of Passed Knowledge Test document your application will not progress if you are unable to present the original document at your appointment

q) The total fee for the DBS Check and the Data Check (A current list of our fees can be found online here: <https://www.cambridge.gov.uk/fees-for-taxi-licensing>)

STEP 6 – DRIVER AND VEHICLE STANDARDS AGENCY (DVSA) TEST

 Before you can be issued with a Hackney Carriage, Private Hire or Dual licence you must have passed the DVSA Test (**TEST TYPE:** Standard Driving Assessment). You must produce a valid, current DVSA Test Certificate to the

licensing office.

The test certificate will only be accepted if it is dated within 12 months of the completion.

For more information please visit www.gov.uk/dvsa-taxi-driving-test

➔ To book a test, please contact the DVSA on 0300 200 1122 or visit www.gov.uk/book-practical-driving-test to arrange this.

The cost for this ranges from £80 (please contact DVSA for current fees). You will also have to pay the full amount again if you don't pass your test and want to take another one.

You will need to provide your own car for this test.

STEP 7 – DISCLOSURE & BARRING SERVICE

In order to determine whether an individual is “fit and proper” to hold a licence, a Disclosure and Barring Service (DBS) check must be undertaken. The DBS will undertake a range of checks on your application information (which is completed at your application appointment) and provide any relevant feedback to Cambridge City Council.

➔ You will receive an up to date certificate from the DBS which you must present to the licensing office as part of the application process, and within 10 working days of receipt.

STEP 8 – GROUP II Medical Certificate

➔ **Once you have completed your DVSA Test and have received your DBS Certificate you must arrange to have a Group II Medical Assessment** (unless you hold a current HGV or PSV licence).

You can either do this with your own GP or, if your GP is unable to undertake the assessment, with the Council's approved medical practice for a medical examination. Currently there are two medical practices approved by Cambridge City Council:

- Huntingdon Road Surgery tel: 01223 364127
- Bridge Street Medical Centre tel: 01223 652671

The practitioner carrying out the Medical Examination is required to complete and sign a Medical Certificate Form to state whether they declare the individual fit or unfit to drive a Hackney Carriage and/ or Private Hire Vehicle.

➔ You must submit the original form and certificate to the licensing office, within 7 days of it being completed, as part of the new driver application process.

The medical certificate will only be accepted if it is dated within 1 month of the completion. You will need to contact the individual practice for their current fee.

STEP 9 – ASSESSMENT OF APPLICATION

Only once ALL required documentation has been received will your application be assessed by the Licensing Team.

➔ Please telephone 01223 457888 no more than 10 working days after the submission of ALL of your documentation in order to pay the appropriate licence fee.

STEP 10 – LICENCE AND BADGE

Your badge and licence will only be issued once you have passed all of the application procedures.

There are no exemptions to bypass any area of the application procedures and once all parts have been completed, and the fee paid, we will send you your badge and licence in the post within 10 working days.

APPENDIX K

KNOWLEDGE TEST

This is guidance on the knowledge test that is a mandatory part of the application process to be licensed to drive Hackney Carriages or Private Hire Vehicles. Its purpose is to give you direction on how to prepare for the test but it is not intended to be a comprehensive guide.

It is your responsibility to buy maps and use other resources to learn about Cambridge.

The test consists of 100 questions. You must attempt all sections of the test and you need to get 80 percent to pass. Therefore the more questions that you can answer the better your chances of passing.

Each question is multiple choice, there will be one correct answer and three wrong answers. You are required to select the answer which you think is correct. You will be allowed a maximum of two hours to complete the test and will be given the result of your test, there and then after you have completed it.

Content of the Test

The test is divided into 7 sections as detailed below:

8. General
9. Points of Interest
10. Numeracy
11. Conditions & Policy
12. Highway Code
13. Signage
14. Shortest Routes

As part of your revision for the test, you will need to be confident that you can demonstrate your knowledge of the statutory obligations and Council conditions for Hackney Carriage/ Private Hire/ Dual Drivers. For this, you will need to study the information contained in the Taxi Guide. Questions will include (but not be limited to) matters such as:

- the difference between Hackney Carriage and Private Hire
- how do you charge fares, by meter or quote
- what you should do with the paper licence and badge issued by us
- how and when you should let us know about any convictions, change of address or accident damage
- seat belt laws
- how to assist passengers with luggage

- disability awareness

You will also be required to demonstrate your knowledge of Cambridge, i.e.

- all streets within the city boundary
- the locations that a resident or someone visiting Cambridge might wish to go.

In addition to this, places of interest will be listed and you must state the street on which they are located. These places of interest will include (but not be limited to):

- all colleges, porters lodges and anything to do with university, eg the sports grounds, libraries and conference centres
- public houses, nightclubs and members' clubs
- restaurants and take-aways
- theatres
- cinemas
- hospitals
- hotels and bed and breakfasts
- sports centres and swimming pools

Details of licensed pubs, clubs, restaurants, takeaways, theatres and cinemas are available on the Council's Licensing Act 2003 [public register](#). A list of premises names and addresses can be obtained by selecting 'Premises Licence' or 'Club Premises Certificate' from the first drop down list and clicking 'Search'.

In the shortest route section of the test, you will be provided with two locations/streets. You must select the route that you would take to complete each journey using the shortest route.

APPENDIX L

VEHICLE INCIDENT PROCEDURE

1. Scope and Background

- 1.1 Cambridge City has the responsibility of licensing both the hackney carriage and private hire trades in order to protect the public. The procedures which are set down exist to ensure that an individual is a 'fit and proper' person to hold a licence.
- 1.2 Cambridge City Council must be satisfied that licensed vehicles are safe and suitable to transport passengers.
- 1.3 If a licensed vehicle is involved in any collision or incident, the licence holder is required to notify the Council of this and provide details. The licence holder must also advise if the vehicle is to be withdrawn from service due to the damage sustained (please see Replacement Vehicle Procedure for additional guidance in this situation).

2. Process

- 2.1 If a licensed vehicle is involved in a collision or incident it must be reported to the Council as soon as is reasonably practicable and definitely within 72 hours of the time of the collision or incident.
- 2.2 Ideally, photographic evidence should be supplied to the Council so that this can be retained on file. A minimum of 4 photographs, with close ups, to show the particular damage.
- 2.3 This applies to collisions and significant damage or defects which may impact on the mechanical use or appearance of the vehicle. Repeated minor damage over a period of time could affect the performance and safety of the vehicle.
- 2.4 When reporting the collision or incident to the Council a Vehicle Incident Form must be completed with the details of the incident, such as the plate and registration of the vehicle involved, the damage sustained, and whether the

vehicle is being withdrawn from service.

It may also be necessary for photographs of any damage to also be submitted, depending on the severity of the incident, when submitting the form.

- 2.5 Once completed, the form and photographs can be submitted to the council by email to taxi@cambridge.gov.uk or by visiting the Customer Service Centre at Mandela House.
- 2.6 Depending on the nature of the incident, the severity of the damage or any other applicable factors, a Licensing and Enforcement Officer may request to inspect the vehicle. In this case, the proprietor will be contacted by the Licensing and Enforcement Officer in order to arrange for a vehicle inspection to be undertaken.
- 2.7 Following the inspection, and if the vehicle can still be driven, the proprietor of the vehicle will be given one month from the date of the accident being reported for the repair works to be completed. This would apply mainly to minor cosmetic damage (such as a broken wing mirror, or scratch) which will not normally require a mechanical inspection, unless the Licensing & Enforcement Officer believes that there may have been mechanical damage caused by the accident.
- 2.8 If the vehicle is not repaired within that time, the vehicle licence could be suspended for a period of time for the repairs to be completed. If the repairs are not completed the licence could be considered to be suspended or revoked.
- 2.9 Once the vehicle has been repaired, it will need to be inspected by a Licensing & Enforcement Officer to ensure that the repairs are satisfactory.
- 2.10 If the vehicle cannot be driven, the vehicle licence will be suspended immediately for the repair work to be carried out.
- 2.11 If the vehicle is not repaired within one month, the vehicle licence could be suspended for a period of time for the repairs to be completed. If the repairs are not completed the licence could be considered to be suspended or revoked.
- 2.12 In both cases, the Licensing & Enforcement Officer will confirm whether a

further mechanical fitness test is required. If so, the Certificate of Compliance must be presented as requested to the Licensing Office before the vehicle licence suspension will be lifted.

- 2.13 If the vehicle does not meet the visual vehicle standards (in relation to cosmetic damage) then it will need to undergo a mechanical fitness test.
- 2.14 If the vehicle is written off by an insurer, the licence will be suspended immediately and the licence plates must be returned to the Licensing Team as soon as is reasonably practicable definitely within 72 hours.
- 2.15 If a proprietor wishes to use a replacement vehicle, an application for a Replacement Vehicle Licence can be made (for a period of up to 3 months) as set down in the Replacement Vehicle Procedure.

3. Administration

- 3.1 Records of accidents and/ or incidents (along with details of repairs, photographs and inspection notes) will be held on file.
- 3.2 From the report of an incident, we may use the information if there is a complaint or legal challenge relevant to this process. We may check the information collected. We may also use or pass to certain third parties information to prevent or detect crime, to protect public funds, or in other ways as permitted by law.

APPENDIX M

REPLACEMENT VEHICLE PROCEDURE

4. Scope and Background

- 4.1 Cambridge City has the responsibility of licensing both the hackney carriage and private hire trades in order to protect the public. The procedures which are set down exist to ensure that an individual is a 'fit and proper' person to hold a licence.
- 4.2 The council must be satisfied that licensed vehicles are safe and suitable to transport passengers; hence the requirement for notification of all accidents to licensed vehicles.
- 4.3 Cambridge City Council recognises that in some instances it may be necessary for a Hackney Carriage or Private Hire Vehicle to undergo urgent repair or maintenance work.
- 4.4 In these circumstances, the vehicle proprietor can make an application and pay the appropriate fee for a Temporary Replacement Vehicle Licence or a Replacement Vehicle Licence.

5. Process

- 5.1 If a licensed vehicle is involved in any collision or incident, the licence holder is required to notify the Council of this and provide details using the Vehicle Incident Form. The licence holder must also advise if the vehicle is to be withdrawn from service due to the damage sustained.
- 5.2 If the Vehicle cannot be driven, requires major repair works or is written off then an application for a Temporary Replacement Vehicle Licence or a Replacement Vehicle Licence can be made using the Replacement Vehicle Application Form.

Temporary Replacement Vehicle Licence	New Vehicle on an Existing Plate
Where the original licensed vehicle is sent off for work/ repair and during that time a temporary “red licence plate” is issued for a maximum of 3 months.	If the original licensed vehicle is written off and no longer able to be used a new vehicle on an existing plate can be applied for and subsequently granted in line with the application requirements.

- 5.3 Any Temporary Replacement Vehicle must undergo a mechanical fitness test and the Certificate of Compliance, V5 and relevant insurance must also accompany the application form.
- 5.4 In the instance of a new vehicle on an existing plate, the process for new vehicles will be followed.
- 5.5 The process for vehicle testing and licence issue is the same as that for ordinarily licensing a vehicle:
- i) Vehicle Test at Garage (CoC obtained)
 - ii) Appointment made with Licensing Team, at Customer Service Centre (01223 457888)
 - iii) Appointment attended with necessary documentation and “old” vehicle plates
 - iv) Appropriate fee paid
 - v) Licence and plates issued
- 5.6 Any vehicle which is used as a Temporary Replacement Vehicle will be subject to meeting the requirements of the Age Limit/ Emissions policy.
- 5.7 In the case of a Temporary Replacement Vehicle, once the administration process is complete, the vehicle will be issued with a temporary “red licence plate”. The plate will look visibly different and the plates for the original, existing vehicle must be surrendered to the Licensing Team until such a time that the vehicle is repaired and the original licence and vehicle plates can be reinstated.

5.8 It is the proprietors responsibility to ensure that any changes to timescale or works being completed on the vehicle are updated to the Licensing Team so that this can be held on record. This can be done via email taxi@cambridge.gov.uk or telephone 01223 457888.

5.9 After repair works, the original vehicle will be subject to a Compliance Check to ensure it is safe and suitable for transporting passengers.

5.10 Once agreed that the original vehicle can continue in service, the Temporary Replacement Vehicle licence and plate must be surrendered to the Licensing Team. The original vehicle licence and plate will then be reinstated for the duration of the original licence period.

5.11 The fees for the Temporary Replacement Licence are set out below:

Hackney Carriage:

Temporary Replacement Licence £225

Replacement Licence £225

Private Hire:

Temporary Replacement Licence £225

Replacement Licence £225

5.12 Please note that if the vehicle is off the road at the time of the existing vehicle licence renewal, then the renewal application must be submitted in good time before the expiry date of the licence.

APPENDIX N

GUIDANCE FOR RENEWAL DRIVER APPLICANTS

PART 1 – MAKE YOUR RENEWAL APPOINTMENT

If you wish to renew your driver licence you must make an appointment do to so. Please contact the Customer Service Centre, Regent Street on 01223 457888 to arrange an appointment for your licence application to be processed.

Please note that there is the facility to request a call back during busier periods by pressing '1' at any point during the call.

Please note the Customer Service Centre Opening Hours are:

Monday - Friday 9:00am - 5:15pm

The licence may be renewed for either one year or three years but please note that the Disclosure and Barring Service (DBS) check is **MANDATORY** when applying for a three year licence, regardless of when the last DBS check was carried out. (DBS is the new name for the former CRB check)

If a DBS check **IS REQUIRED** then you will need to make an appointment **AT LEAST** eight weeks in advance of your licence expiry date. The DBS application and your licence renewal will both take place at this appointment.

PLEASE NOTE THAT IF YOU REQUIRE A DBS CHECK AND FAIL TO APPLY WITHIN THE SPECIFIED TIMESCALE, YOU WILL BE UNABLE TO DRIVE A LICENSED VEHICLE FOR WORK OR PRIVATE USE UNTIL THE DISCLOSURE HAS BEEN RETURNED, SIGNED OFF BY THE LICENSING OFFICER AND YOUR LICENCE SUBSEQUENTLY ISSUED.

There are no exceptions.

If a DBS check **IS NOT REQUIRED** then please do not make your appointment for a date more than one month, but not less than two weeks, in advance of your licence expiry date.

PART 2 – IN PREPARATION FOR YOUR APPOINTMENT

BEFORE your appointment you will need to:

r) Complete the Driver's Renewal Application Form

Please ensure that you detail:

- The type and duration of licence you are applying for
- All names which you are or have been known by
- The Town, County and Country in which you were born
- Full five-year address history
- Whether you have any spent or unspent convictions

- Prosecutions, convictions, cautions, fixed penalty notices and/ or driving licence endorsements
- Full Driving licence details (bring DVLA photo card)
- Any information relating to previous refusal, revocation or suspension of a licence
- Whether you are currently under any criminal investigation or have any pending court cases
- Whether you have the right to live and work in the UK and any restrictions on your right to remain in the UK
- That you have read the declarations and signed and dated the form

Please note that the application form must be filled in by yourself and NOT by someone on your behalf.

- a) Complete, sign and date the Data Protection Mandate Form** Cambridge City Council employs the services of Intelligent Data Systems (IDS) which is a secure, fully managed, driving licence verification service which checks an individual driving licence record and status securely.

From 8 June 2015, the paper counterpart to the photocard driving licence will not be valid and will no longer be issued by DVLA. Any endorsements will only be recorded electronically by the DVLA and in accordance with Data Protection. Therefore, **IT IS ESSENTIAL** that you inform us of any endorsements or driving convictions.

A review of the application process has been undertaken to look at the recent change and, at this stage, given the administration required versus the cost and resources in place; the Council will remain subscribed to IDS in order to carry out the secure online check.

What this means for you is that the Data Mandate Check and fee payable (£8 per year) remains in place and part of Cambridge City Council's licensing process.

- b) In the case of three year driver licence and badge renewals you will need to obtain two passport sized photographs which will be verified and used as your driver ID**
- c) Obtain a medical certificate, following a medical, with one of the Council's approved medical examiners (if applicable, see Part 5).**

Please note that the medical assessment certificate MUST be provided to the Licensing Team NO LATER THAN 14 DAYS AFTER THE DATE THE MEDICAL IS DUE.

PART 3 – AT THE APPOINTMENT

At your appointment you will need to bring:

- a) Completed Driver's Renewal Application Form**
- s) Evidence of eligibility to live and work in the UK**
If appropriate you must provide one of the following:
- Passport

- Residence Permit
- Visa
- Sponsorship details
- Home Office correspondence

t) DVLA licence

u) Identification for Disclosure & Barring Service (DBS) Check (where required)

You must provide the following (if applicable and valid):

- Passport (if you have a 'live' passport, you must provide this)
- Biometric Residence Permit
- Current Driving Licence
- Birth Certificate

Plus two of the following:

- Passport
- Biometric Residence Permit
- Current Driving Licence
- Birth Certificate
- Marriage/ Civil Partnership Certificate
- Adoption Certificate
- HM Forces ID Card
- Firearms Licence
- Mortgage Statement (issued in the last 12 months)
- Bank or Building Society Statement (issued in the last 3 months)
- Bank or Building Society Account Opening Confirmation Letter (must still be valid)
- Credit Card Statement (issued in the last 3 months)
- Financial Statement e.g. pension or endowment (issued in the last 12 months)
- P45 or P60 Statement (issued in the last 12 months)
- Council Tax Statement (issued in the last 12 months)
- Work Permit or Visa (valid up to expiry date)
- Letter of sponsorship from future employment provider (must still be valid)
- Utility Bill (issued in the last 3 months)
- Benefit Statement e.g. child benefit, pension (issued in the last 3 months)
- Central or Local Government, Government Agency or Local Council Document giving entitlement e.g. from DWP, HMRC (issued in the last 3 months)
- EU National ID Card (must still be valid)

v) **DBS Update Service Information** if you have subscribed to the DBS Update Service you will need to bring the DBS Certificate which you used to subscribe to the service in order that the necessary check can be undertaken.

w) **Certificate of Good Conduct** (where required, please note that all applicants who have lived out of the UK for a period of 6 months or more within the last 5 years must provide a Certificate of Good Conduct from either their own Embassy or the countries where they have been resident. The certificate must be produced with a translation and bear the official seal of the Embassy.)

All the documents presented to us must be fully completed and the information must be accurate i.e. in the same surname (last name), first

names, address, date of birth, National Insurance number etc

- x) **Completed Data Protection Mandate Form**
- y) **2 passport sized photographs** (in the case of all three year renewals)
- z) **The full correct fee** (see part 4 below)
- aa) **The original medical certificate issued by the doctor** (where applicable).

Please ensure that you have all the necessary documentation with you at the appointment. Failure to do so could result in your appointment being retracted and rearranged for a later date, and this may delay the issue of your licence.

PART 4 – FEES

All the correct fees can be found in Appendix F.

PART 5 – GROUP II Medical Certificate

If required, you must arrange to have a Group II Medical Assessment. You can either do this with your own GP or, if your GP is unable to undertake the assessment, with the Council's approved medical practice for a medical examination.

The original form and certificate is then submitted to the Licensing Office as part of the new driver or renewal driver application process.

PLEASE NOTE THE FOLLOWING:

- a) **If a medical is required and you are requesting a 1 year licence, the medical must be provided at the renewal appointment.**
- b) **If a medical is required and you are requesting a 3 year licence, the medical must be provided to the Licensing Team no later than 14 days after the date the medical is due.**

FAILURE TO PROVIDE AN UP TO DATE MEDICAL ASSESSMENT CERTIFICATE COULD RESULT IN THE SUSPENSION OR REVOCATION OF YOUR LICENCE.

PART 6 – AFTER THE APPOINTMENT

Upon receipt of your DBS Certificate, you will need to allow the Licensing Officer to have sight of this so they can assess whether any further action is required. **This applies to ALL individuals who complete a DBS application, regardless of any information previously disclosed or expected to be disclosed.**

You can either:

- i) Hand deliver the certificate in a sealed envelope or;
- ii) Send the certificate in a sealed envelope via the post to:

STRICTLY PRIVATE & CONFIDENTIAL – OPEN ADDRESSEE ONLY

DBS Counter Signatory
Licensing Team
PO Box 700
CB1 0JH

Only once all of the correct documentation has been confirmed as being received, accurate and processed in accordance with the Council's guidelines; your new licence and badge will be sent to you approximately 10 working days before expiry of the existing badge. If there is insufficient time for this to take place, we will contact you to arrange for you to collect the badge. When you receive your new badge, you must safely and securely destroy the old badge.

Your badge and licence will only be issued once you have passed all of the renewal application procedures. It is therefore most important that you allow sufficient time for the processing of all parts of your renewal application, or you may not be able to work for a period until they have.

There are no exemptions to any of the renewal application procedures.

APPENDIX O

DRIVER EXEMPTIONS

The Equality Act 2010 places responsibility on service providers to make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

The Act (s. 166) allows licensing authorities to grant exemption to drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

The authority is committed to social inclusion and ensuring that disabled residents and visitors to the city have a wide variety of opportunities to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that "Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment and healthcare, as well as social and family life, is significantly improved when journeys become accessible." For this reason, the council considers it important that disabled residents and visitors have access to all forms of public transportation.

It is important that individuals who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them, their wheelchair and/ or their assistance dog and carry them to their destination at no extra charge.

Legislation

The Equality Act 2010 (s. 165) places certain duties on drivers of wheelchair accessible Private Hire and Hackney Carriage Vehicles;

- i) To carry the passenger while in the wheelchair, and;
- ii) Not to make any charge for doing so.
- iii) Should the passenger choose to sit in a passenger seat, to carry their wheelchair,
- iv) To take such necessary steps to ensure that the passenger is carried in safety and reasonable comfort, and;
- v) To give the passenger such mobility assistance as is reasonably required.

In addition to this the Act (s. 168 & 170) also places the following duty on drivers of Hackney Carriage and Private Hire drivers:

- i) To carry the passenger's (guide, hearing or assistance) dog, allowing it

to remain with the passenger and not make any additional charge for doing so.

It is an offence (s. 168) for the driver of a Hackney Carriage that has been hired by or for a disabled person who is accompanied by an assistance dog (or by another person who wishes to be accompanied by a disabled person with an assistance dog) to fail to carry the disabled person's dog and allow it to remain with that person or to make any additional charge for doing so, unless an exemption certificate has been issued by Cambridge City Council and that certificate is displayed within the vehicle.

It is an offence (s. 170) for the Operator of a Private Hire vehicle to fail or refuse to accept a booking for the vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog. The operator also commits an offence if they make an additional charge for carrying an assistance dog which is accompanying a disabled person.

It is an offence (s. 170) for the driver of a Private Hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog, unless an exemption certificate from the requirement to carry assistance dogs has been issued by the Council and that certificate is displayed within the vehicle.

Medical Exemption

In some circumstances a driver of a Hackney Carriage or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, short or long term.

The Act (s. 166) allows licensing authorities to grant exemption to drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

The Act (s. 169 & 171) also allows licensing authorities to grant exemption to drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so, on medical grounds.

Other Exemptions

There are no exemptions, medical or otherwise, for a Hackney Carriage or Private Hire driver in respect of conveying a reasonable quantity of luggage or providing reasonable assistance in the loading and unloading of luggage.

Hackney Carriage Bye laws state that every driver of a Hackney Carriage vehicle,

when requested by any person hiring or seeking to hire the carriage shall:

- i) Convey a reasonable quantity of luggage
- ii) Afford reasonable assistance in loading and unloading luggage
- iii) Afford reasonable assistance in removing luggage to or from the entrance of any house, station or place at which they may take or set down a passenger

Private Hire driver licence conditions state that the driver must give reasonable help with luggage.

If a Hackney Carriage driver or a Dual driver (working as a Hackney Carriage driver) offends against the Bye Law they shall be liable, upon conviction, to a fine not exceeding fifty pounds. In the case of a continuing offence to a further fine not exceeding two pounds for each day which the offence continues after conviction.

If a Private Hire driver or a Dual driver (working as a Private Hire driver) is unable to observe their driver licence conditions they shall be subject to the Council's Enforcement Management System.

The Enforcement Management System will give an indication of when a licence holder will be referred to the Licensing Sub Committee as a result of the accumulative effect of any or all of the following: breaches of the legislation governing Hackney Carriage and Private Hire licensing; the Council's conditions of licence; the Council's Grounds for Disbarment; any breaches of this policy.

Process

In the first instance, the driver must obtain a written doctor's note from their own General Practitioner detailing specifically what duties cannot be undertaken, why they cannot be undertaken and for how long they cannot be undertake.

Along with the doctor's note, the driver must complete and submit an 'Application for Medical Exemption' Form to the Licensing & Enforcement Team.

If the doctor's note states that the driver is unfit to carry passengers in wheelchairs and/ or assistance dogs for a specified period of time (up to a maximum of three months), a 'Temporary Exemption Notice' will be issued by the Licensing & Enforcement Team with an expiry date in line with the information provided on the doctor's note.

If the doctor's note is not clear or is ambiguous in any way, the matter will be referred to the Licensing Sub- Committee for consideration.

Upon the expiry of the Notice, the Licensing & Enforcement Team will deem drivers fit to undertake all duties and the Temporary Exemption Notice must be returned to the Licensing & Enforcement Team within 7 days.

If the Temporary Exemption Notice is not returned to the Licensing & Enforcement

Team, the drivers licence could be suspended until such time as the Notice is returned, following referral to the Licensing Sub-Committee.

If the driver expects that the Temporary Exemption Notice to be extended, then **prior to the expiry date of the notice** the driver will need to contact the Licensing & Enforcement team to discuss the next steps and timescales.

In this situation, the driver will receive an information pack containing:

- a letter of notification advising that they will now be subject to a further medical referral.
- a letter to present to their GP which explains the exact requirements and;
- a letter to present to the approved medical practitioner along with a Statement of Fitness.

The driver will be required to contact their own GP to arrange for a more in depth medical report to be compiled (the cost for which must be borne by the driver) and following receipt of this, will then be required to make an appointment with the approved medical practitioner to present the report from their own GP and to undergo an examination/ consultation where the practitioner will complete the 'Statement of Fitness' on the applicant's capability to undertake the duties in terms of their medical grounds and/ or physical condition, and for how long.

The driver will need to submit the 'Statement of Fitness' to the Licensing & Enforcement Team for determination.

Outcome

If the statement confirms that the driver is able to undertake the duties and is fit for work, the Temporary Exemption Notice must be returned to the Licensing Office and the driver will be expected to resume normal duties. If the Temporary Exemption Notice is not returned to the Licensing & Enforcement Team, the drivers licence could be suspended until such time as the Notice is returned, following referral to the Licensing Sub-Committee.

If the statement confirms that the driver is able to undertake duties, with reasonable adjustments, a further Temporary Exemption Notice of up to three months may be issued. It is expected that within those three months the driver will undertake the reasonable adjustments to allow a return to full duties. At the end of three months the Temporary Exemption Notice must be returned to the Licensing and Enforcement Team and the driver will be expected to resume normal duties. If the Temporary Exemption Notice is not returned to the Licensing & Enforcement Team, the drivers licence could be suspended until such time as the Notice is returned, following referral to the Licensing Sub-Committee.

If the statement confirms that the driver is temporarily unfit to carry passengers in wheelchairs and/ or assistance dogs, a Temporary Exemption Notice will be granted for the length of time as determined by the approved practitioner. The driver will then be expected to attend a further assessment/ consultation with the approved practitioner prior to the expiry date of the Temporary Exemption Notice.

If the driver is declared permanently unfit to carry passengers in wheelchairs and/ or assistance dogs an Exemption Notice will be issued. The notice will include a photograph of the driver (provided by the driver) who has been granted the exemption and must be displayed prominently in the vehicle for public viewing. The exemption may be reviewed every one to five years, with reference to expert medical evidence/ advice and each case will be determined on an individual basis. This could include a further referral to the approved practitioner.

If the driver disagrees with the medical recommendation and subsequent determination by the Licensing & Enforcement Team, the matter will be referred to the Licensing Sub- Committee for consideration.

Appeal

If a driver does not agree with the decision to of the Licensing S–b -Committee they are able to appeal the decision to the Magistrates' court. The driver has 28 days from the date of refusal to appeal. Further documentation relating to Medical Exemption can be found online here:

<https://www.cambridge.gov.uk/exemptions-for-taxi-drivers>

APPENDIX P

GUIDANCE FOR PRIVATE HIRE OPERATORS

Application

All applicants, existing licence holders, part owners or other persons with an interest in an Operator's Licence are required to show that they are fit and proper persons to hold such a licence.

- A **NEW** application will last for one year.
- A **RENEWAL** application can last for either:
 - i) One year; or
 - ii) Up to five years.

There are several things that you need to do/ to have in order to make new or renewal application for an Operator's licence:

STEP 1 - INITIAL CONTACT

In order to activate a new or renewal Private Hire Operator inspection visit you must contact the Licensing Team in order to book a mutually convenient date and time.

You can book:

- 1) Via email: taxi@cambridge.gov.uk
- 2) Via telephone: 01223 457888

Please note that there is the facility to request a call back during busier periods by pressing '1' at any point during the call.

New and renewal applications are by appointment only and it is only by these means that you can commence the application process.

You need to:

- Have read and understood these guidance notes.
- Completed all necessary elements of the new or renewal application process (points a) – i) below) prior to the inspection visit taking place.
- In the event of a renewal, ensure that the inspection visit takes place prior to the expiry date of the licence.

There are no exceptions.

STEP 2 – AT THE INSPECTION VISIT

At the inspection visit, you will need to provide:

bb) Operator Licence Application Form

Please ensure that you detail:

- i) The Company Details
 - ii) Email address for correspondence
 - iii) The Operator Address
 - iv) Any additional relevant information (e.g. Planning permission, radio licence)
 - v) Personal details of the applicant(s)
 - vi) Declaration of convictions
 - vii) Any other relevant information (e.g. business history)
 - viii) For new applicants, details of two referees
 - ix) That you have read the declarations and signed and dated the form in the correct places
 - x) The application form must be filled in by yourself and NOT by someone on your behalf.
- c) Proof of Planning Permission granted** (in respect of waiting room for members of the public)
- d) Public Liability Insurance Document**
- e) Two references, at least one from a Professional person (e.g. accountant, solicitor, magistrate), who has known you at least two years, completed on the PHO Reference Proforma** (new applications only)

It is your responsibility to:

- Detail the name and contact information on your Operator Application Form of two referees
- Request each of your referees to complete a Private Hire Operator Reference Proforma and return it to you as soon as possible
- Pay any necessary costs to the referee/ organisation if applicable
- Bring the original copies of the completed reference proforma to your appointment

A copy of the Operator Reference Proforma can be downloaded from our website <https://www.cambridge.gov.uk/taxi-operator-licence>

Each reference will only be accepted if it is dated no more than 1 month prior to your application appointment.

- f) Evidence of eligibility to live and work in the UK (e.g. Passport, Residence Permit)** (new applications only)

g) Photographic identification which includes a specimen signature (e.g. driving licence or Passport)

h) Proof of address

Acceptable address identification must be one of the following:

- Mortgage Statement (issued in the last 12 months)
- Bank or Building Society Statement (issued in the last 3 months)
- Bank or Building Society Account Opening Confirmation Letter (must still be valid)
- Credit Card Statement (issued in the last 3 months)
- Financial Statement e.g. pension or endowment (issued in the last 12 months)
- P45 or P60 Statement (issued in the last 12 months)
- Council Tax Statement (issued in the last 12 months)
- Utility Bill (issued in the last 3 months)
- Benefit Statement e.g. child benefit, pension (issued in the last 3 months)
- Central or Local Government, Government Agency or Local Council Document giving entitlement e.g. from DWP, HMRC (issued in the last 3 months)

i) Basic DBS Disclosure (for any new or renewal applicant who IS NOT already a licenced driver with Cambridge City Council)

You must arrange to have a Basic DBS Disclosure unless you already hold a Hackney, Private Hire or Dual Licence with Cambridge City Council.

This must be dated no more than 1 month prior to the date of the inspection visit. The applicant is also responsible for renewing this every three years, in line with Cambridge City Council's standard of determining a potential licence holder as 'fit and proper' to hold a licence.

You can find further information, including how to apply, online here:
<https://www.disclosurescotland.co.uk/>

It is your responsibility to:

- Complete and pay for a basic disclosure certificate
- Submit the disclosure certificate to the Licensing Office as soon as possible.
- Ensure that you complete and pay for a basic disclosure upon every licence renewal date, and submit to the Licensing Office as part of your renewal

j) The correct fee

- For New PHO Applications (1 Year) £150
- For Renewal PHO Applications (1 Year) £150
- For Renewal PHO Applications (5 Year) £640

k) Inspection (for new applicants) an inspection will be undertaken by a member of the Licensing & Enforcement Team where you will submit your application and relevant documentation. At the conclusion of the inspection, you will be notified if you have successfully passed the inspection for subsequent approval of an Operator's licence.

Within 24hours of the inspection concluding, the Inspecting Officer will electronically issue a copy of a temporary operator's licence until their application is processed. The temporary licence will only be valid for 21 days

Within 14 days following the inspection date, an operator's licence will be fully processed and dispatched within the Licensing and Administration function.

- l) **Inspection (for renewal applicants)** an inspection will be undertaken by a member of the Licensing & Enforcement Team where you will submit your application and relevant documentation. At the conclusion of the inspection, you will be notified if you have successfully passed the inspection for subsequent approval of an Operator's licence.

Operators Base

The Operator's Licence must be held with the Council in whose area the Operator has the office, or home address in the case of an owner-driver. Anyone who wishes to operate in more than one area is required to hold an Operator's Licence with the Local Authority in each of those areas.

Where an Operator has more than one operating base, the Council will ensure that the Operator provides a list of all the addresses from which the business is run. This is to enable health and safety checks to be made and appointment books inspected.

The Licensing Authority will not usually grant an Operator's Licence for an Operator with an operating base 10 miles outside the authority's area. This is to ensure that the Authority may take the proper regulation and enforcement measures and is in no way intended to be a restraint of trade.

Planning Permission

If an Operator is licensed for more than two vehicles, prior to any premises being used (or the change of use) in connection with a private hire business, advice should be sought regarding planning permission before business can commence. This includes both commercial and domestic premises.

Please note that the granting of an Operator's Licence does not constitute the grant of any permission under the Town & Country Planning Act 1990 or any other legislation for the use of the land for that purpose.

Public Liability Insurance

Any premises that provide access to members of the public must be covered by public liability insurance. The Operator must check on any requirement to have Employers Liability Indemnity, however, if an Operator supplies a vehicle for the driver or office based radio equipment, for example, then they have a liability.

A copy of the Public Liability Insurance will be displayed on the premises.

The Council will keep a copy of the current insurance certificates on file.

Waiting Area

If a waiting area is to be provided for members of the public, the following requirements will need to be complied with:

- The public area should be kept in a clean and tidy condition
- Any seating or furniture should be kept in good condition
- Adequate ventilation and heating must be provided
- The public area should have adequate lighting
- No smoking should take place in either the public or staff areas and no smoking signage should be present

Radio Equipment

The Operator shall be (if applicable) in possession of a licence to transmit issued by the Radio Communications Agency/ Department of Trade and Industry. The licence will be displayed on the company premises and available for inspection by an Authorised Officer.

Record Keeping & Bookings

All Operators must keep records of bookings. It is an offence for a Private Hire Operator to refuse to take a booking for a Private Hire Vehicle. The booking must be in advance and is a contract between the customer and the Operator.

An Operator accepting a booking remains liable for that booking, even if they sub-contract it to another Operator. If the booking is sub-contracted, the Operator must be licenced by the Council also.

When the Operator accepts the hiring he/ she shall, unless prevented by some sufficient cause, ensure that a licensed Private Hire Vehicle attends at the appointed time and place.

The records of hiring/ bookings accepted by the Operator are required to be kept under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976. The records must be kept legibly and can be a manual or computerised record.

The record shall be completed before the commencement of each journey and shall show the following particulars for each booking:

- The date and time the booking was received
- The address at which the hiring is to commence
- The date and time the hiring is to be commenced
- The name of the person making the hiring
- The address at which the hiring is to end
- The licence number or call sign of the vehicle allocated
- The name or licence number of the driver of the vehicle allocated

These records must be accessible at all reasonable times for inspection by any Authorised Officer or Police Constable. Any computer program used must be able to reproduce a printed record.

Vehicle Records

The Operator shall maintain an up to date legible list of all current Private Hire and Hackney Carriage vehicles used by them or operating under their Operator's licence.

The records must show:

- The Private Hire or Hackney Carriage Vehicle Licence number
- The name, address and telephone number of the person to whom the vehicle licence was issued
- The make and registration of the vehicle
- The date the vehicle was accepted under the Operator's licence
- The date the vehicle ceased to accept work under that Operator's licence

The Operator must ensure that every vehicle working under their Operator's licence is covered by a valid certificate of insurance and a valid certificate of compliance. A legible manual or computerised record of the following must be maintained:

- Current insurance certificate/ cover note for all vehicles accepting work under their Operator's licence, including expiry dates
- Certificates of compliance including expiry date

Should the insurance cover for any vehicle working under the Operator's licence be cancelled, suspended or lapse, or the certificate of compliance expire, without a new one being provided, then the vehicle must be immediately stood down. The Council should be immediately notified of this action.

Driver Records

The Operator will maintain a list of all drivers currently working under their Operator's licence. The list must include:

- The full name, address and telephone number of the driver
- Details of the vehicle that the driver uses including the licence number and registration
- The date the driver commenced working under the Operator's licence
- The date the driver ceased working under that Operator's licence
- The call sign of all drivers

An Operator may only make use of drivers and vehicles licensed by Cambridge City Council. The Operator has the responsibility to ensure that all drivers and vehicles working for them comply with all licence requirements laid down by the Council.

The Operator shall ensure that all Private Hire Vehicles in the Operator's fleet shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the Council's licence in respect of the vehicle.

Operators Signs and Logos

The Operator shall not cause or permit to be displayed in or on from his/ her premises or to be published in relation to the Operator's business any sign, notice or advertisement which consists of or included whether in the singular or plural the words "For Hire" or any other word or words of similar meaning or appearance whether alone or as part of another word or phrase or any other word or words likely to cause a person to believe that any vehicle or vehicles operated by him/ her is or are hackney carriage or carriages.

Advertising on Private Hire Vehicles is not permitted in accordance with the Council's policy.

Limited advertising on Hackney Carriages is permitted subject to the prior written approval of the Council.

Touting & Soliciting

An Operator shall not cause or permit any person to tout or solicit any person to hire or be carried for hire in any Private Hire Vehicle.

APPENDIX Q

CODE OF CONDUCT

THE BELOW PROVISIONS ARE APPLICABLE TO ALL LICENSED DRIVERS

Behavioural Standards

- Drivers must be polite, helpful and fair to passengers, members of the public and other road users
- Drivers must respect other licensed drivers and attempt to resolve any issues amicably
- Drivers must respect and comply with the instructions of authorised officers from Cambridge City Council and Cambridgeshire Constabulary
- Notify the Council as soon as possible of any:
 - i. Change of name and / or address (within 7 days)
 - ii. Convictions including the accrual of penalty points (within 7 days)
 - iii. Significant changes in their health (immediately)
 - iv. Accidents involving damage to a licensed vehicle (within 72 hours)
- All drivers must carry an appropriate amount of change

Driving and Vehicle Standards

- Drivers are expected to understand and follow the Official Highway Code
- Drivers must not perform dangerous manoeuvres that endanger the safety of other road users or passengers
- Drivers must not obstruct the highway or park in a dangerous position, including over hanging or parking contrary to all traffic regulations such as double yellow lines or no stopping signs
- You must give as much room to cyclists and other vulnerable road users as you would give a car, where possible
- Drivers are required to notify the Council of any damage to their vehicle that could give rise to any concerns about the safety or road worthiness of that vehicle for example as a result of a collision
- Drivers are required to notify the Council of any driving offences within seven days in accordance with the Handbook
- Drivers are required to notify the Council of any criminal offences under investigation whether they have been charged or not within 14 days
- Drivers must make their vehicles available for inspection at any time if asked by an identified officer of the Council at the rank, at the Council or in the reasonable course of their duties
- Drivers must maintain their vehicle in a roadworthy condition and also make them available for inspection at the offices of the Council if invited to do so at an appointed time by letter, email or telephone and attend that appointment unless they have reasonable grounds for not doing so

- Drivers must make themselves available for interview by a recognised officer of the Council if invited to do so at an appointed time by letter, email or telephone and attend that appointment unless they have reasonable grounds for not doing so
- Drivers have a duty to report any other issues that may be of concern to us

Luggage

The driver of a licensed vehicle so constructed as to carry luggage shall, when requested by the person hiring the vehicle:

- a) Convey a reasonable amount of luggage;
- b) Afford reasonable assistance in loading and unloading;
- c) Afford reasonable assistance in removing it to or from the entrance of any building, station or any place at which he may take up or sent down such person

Accessibility

- Drivers must carry a passenger with an assistance dog. Refusal to do so without an exemption issued by the Council is a criminal offence
- If you drive a wheelchair accessible vehicle you cannot refuse wheelchair jobs unless there are exceptional circumstances of the job terminates outside of the city. The ranks are checked regularly to make sure that this is the case
- If you leave your ramps or harnesses at home or they are damaged then we will suspend your vehicle from working as it is not fulfilling the condition of being wheelchair accessible
- You must ensure the wheelchair is securely strapped in, if you fail to and there is an accident then you will be liable for damages
- Passengers travelling in wheelchairs in vehicles must not face sideways
- If a passenger does not want to be strapped in you can refuse them on the grounds that you cannot account for their safety

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- i) not sound the vehicle's horn illegally or excessively
- ii) keep the volume of all audio equipment and two way radios to a minimum
- iii) switch off the engine if required to wait
- iv) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood
- v) at hackney carriage ranks, in addition to the requirements above:
 - a) park in an orderly manner and proceed along the rank promptly and in order
 - b) remain with the vehicle

In general, drivers shall:

- i) pay attention to personal hygiene and dress so as to present a professional image to the public
- ii) be polite, helpful and fair to passengers
- iii) drive with care and due consideration for other road users and pedestrians and, in particular shall not use a hand held mobile phone whilst driving

- iv) obey all Traffic Regulation Orders and directions at all times
- v) not smoke at any time when inside the vehicle
- vi) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle
- vii) not drive while having misused legal or illegal drugs
- viii) fulfil their responsibility to ensure compliance with legislation regarding length of working hours
- ix) not eat in the vehicle in the presence of customers

Failure to comply with these regulations may incur penalties and may prompt criminal investigation.

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Hackney Carriage & Private Hire - Licensing Policy

Introduction and Background

Cambridge City Council has responsibility for licensing Hackney carriage, Private Hire and Dual Drivers, proprietors and operators within the City.

Cambridge City Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976, which governs the licensing of Private Hire Vehicles, Private Hire Operators and drivers. The adoption of this act also encompasses the adoption of the Town Police Clauses Act 1847, which governs the licensing of Hackney Carriages.

The Hackney Carriage and Private Hire Licensing Policy applies to all drivers, vehicles and operators.

The policy is intended to ensure that both the trade and the public have a document that fully explains the Council's Licensing requirements in context for all parties in a clear and transparent manner.

The current policy has been in effect since 24th October 2011 and, as stated within the policy, will remain effective for a maximum period of five years. The policy is therefore now due for review. Over the five years the policy has been updated when there have been changes in policy and procedure which has been approved by Licensing Committee.

In addition to the Policy document the "Taxi Guide" exists as an operational guide which outlines the processes associated with the administration and enforcement of the Licences and is subject to amendment by the Environmental Health Manager

Whilst the adopted policy of 24th October 2011 has been fit for purpose it should now be subject to a consultation on a revised draft policy document, which will ensure that it complies with government best practice guidance and will provide protection for the public using the service.

Consultation

Cambridge City Council is conducting a consultation to review the current policy document. This will ensure that it complies with government best practice guidance and will provide protection for the public using the service.

The consultation is open to the public and the closing date for submitting consultation responses is **22 August 2016**.

All feedback is encouraged and all comments will be considered as part of the review and in preparation of the final policy document.

The results of the consultation exercise will be put to Members at the next Licensing Committee in October 2016 to take account of the feedback from the trade and other stakeholders in order to consider any amendments to the Hackney Carriage and Private Hire Licensing Policy.

Any comments that you forward to the Licensing Authority should clearly state your name and any organisation or persons you may be responding on behalf of.

Send your response:

- By email to taxi@cambridge.gov.uk please include the words 'Taxi Policy' in the subject field; or
- In writing to Licensing & Enforcement, Environmental Services, Cambridge City Council, and PO Box 700, Cambridge, CB1 0JH.

Summary of Main Changes

We would welcome your comments and in particular we would ask you to consider the specific areas of the policy, as detailed below:

- i) Accessibility & Disability Awareness
- ii) Code of Conduct
- iii) Driver Safety
- iv) DBS Update Service
- v) Eligibility to live & work in the UK in accordance with the Immigration, Asylum & Nationality Act 2006
- vi) Enforcement Management System
- vii) Environmental Considerations
- viii) General Administration (such as notification of change of details etc.)
- ix) Grounds for Disbarment
- x) Online Applications
- xi) Safeguarding Training (including fees)

- xii) The Taxi Guide
- xiii) Vehicle Standards

The consultation is open to the public and the closing date for submitting consultation responses is **22 August 2016**.

Attached to this consultation document is an updated Hackney Carriage and Private Hire Licensing Policy, along with an updated Taxi Guide document for your consideration.

PART	SUMMARY OF MAIN CHANGES
1. Summary	- Update summary to reflect the aim of the Policy, the Council's vision and the considerations of the Policy.
2. Aims & Objectives	<ul style="list-style-type: none"> - Update and clearer definition of aims and objectives of the Policy in protecting the public. - Detail of the Licensing Authority working in partnership with the trade and key stakeholders. - Reference to the Taxi Guide (to become the Taxi Handbook).
3. Powers and Duties	- Minimal changes, re-formatting
4. Best Practice Guidance	- Minimal changes, re-formatting
5. Status	- Detail of the Policy status, including clear information on departing from the Policy.
6. The Licensing Regime	- New section added
7. Implementation	- Minimal changes

8. Principles, Process, Delegation and Decisions	- New section added
9. Fees	- No changes
10.Licensing Profile	- Minimal changes
11. Limitation of Vehicle Numbers	- No changes
12. Definitions, Specifications and Conditions	- Clearer definitions given on types of vehicle
13. Fares	- Reformatted and moved from section further in Policy
14. Meters	- Reformatted and moved from section further in Policy
15. Accessibility and Equality	- Reference to Disability Access Statement in the Handbook - Proposal of mandatory attendance at Accessibility and Equality training as part of the application process for new drivers.
16. Vehicle Testing	- Clearer information on vehicle testing and responsibilities - Detail of action if vehicle is damaged

17. Vehicle Inspections	- No changes
18. Signage, Livery and Advertising	- Reformatted for clearer understanding and amalgamated with previous section 15, Hackney Carriage Crests.
19. Exemptions	- Additional information provided on vehicle exemptions.
20. Stretched Limousines and Prestige Vehicles	- Reformatted for clearer understanding and amalgamated with previous section 26
21. Contract Vehicles	- Reformatted, minimal changes
22. Wedding Vehicles	- Reformatted
23. Funeral Vehicles	- Reformatted
24. Safeguarding	- New section added detailing mandatory safeguarding training for all licence holders and new applicants as adopted by Licensing Committee 21 March 2016.
25. Driver Safety	- Clearer details given on CCTV, that it is not mandatory but if installed there are a number of set criteria
26. Hackney Carriage Stands	- Reformatted
27. Vehicle Application Procedures	- Reformatted

<p>28. Grant of Vehicle Licences</p>	<p>- Reformatted and defined detail on applicants providing completed, full applications.</p>
<p>29. Environmental Considerations (this item was on the Agenda at Environment Scrutiny Committee on 28 June 2016)</p>	<p>- Review and update of Environmental Considerations.</p> <p>- In addition to this, there are some further areas for consideration within the policy consultation which detail potential measures to facilitate the uptake of low emission taxis (Electric Vehicles & Petrol Electric Hybrids) in Cambridge:</p> <p>Following a Feasibility Study, for the taxi trade, which took place in February 2016 the Council is aware that in order to implement electric vehicles a charging infrastructure needs to be considered and planned in to enable electric vehicle uptake within the City.</p> <p>There are plans over the next few years for such aelectric vehicle charging infrastructure to be provided and in order to obtain a clearer view on the priorities for the trade, customers and other stakeholders alike we would be grateful if you could consider the following additional, potential incentives and policy changes and rank the order of priority for you.</p> <p>Please see points for consideration overleaf, along with ranking system:</p>

Unimportant		Neither important or unimportant		Very important
1	2	3	4	5

	RANK 1-5
1. Renewal / Registration fee discount or exemption.	
2. Waive or extend age limit for ULEVs or Hybrids.	
3. Waive requirement for 6 month inspection	
4. Create an Electric Taxi only rank	
5. Vehicle Purchase Subsidies for Electric vehicles	
6. Provision of 'Rapid - Taxi Only' charging infrastructure	
7. Set date for all newly registered vehicles to be low or ultra-low emission	
8. Set date for all licensed taxi vehicles to be low or ultra-low emission	
9. Restrict City Centre Access to ULEV and Hybrid Taxis only	
Please add any further incentive or policy changes you feel would help increase the uptake of low emission vehicles here:	

30. General (Drivers)	- Reformatted
31. Fit and Proper	- New section added
32. Driver Licences	- Reformatted and defined detail on applicants providing completed, full applications.
33. Eligibility to Live and Work in the UK	- More detail and clearer guidance given on requirements for individuals who are not UK or EEA Nationals
34. Disclosure & Barring Service	<ul style="list-style-type: none"> - Clearer detail on the DBS and the requirements of the Licensing Authority. - Proposal that any proprietors and operators that are not already licensed drivers with the City Council undertake an Enhanced DBS check upon application and every three years thereafter. Current practice is to only request a Basic DBS. - Detail given on the declaration of criminal convictions and information on Notifiable Occupations.
35. Certificates of Good Conduct	- Reformatted
36. Driving Licence Records	- New section added, detailing existing process.
37. Medical Examination	<ul style="list-style-type: none"> - Detail given on Group II Medicals - Proposal that medicals for drivers are undertaken upon application and every five years thereafter until the age of 60.

	<ul style="list-style-type: none"> - Proposal that once a driver reaches the age of 60 a medical is required annually. - Current practice is that medicals are required for new applicants and then at the age of 45. Once a driver has reached 45 the medical is required five yearly until the age of 65 when it is required annually.
38. Knowledge	- Reformatted detail of the Knowledge Test including the update of information for applicants which came into effect 1 st July 2016 whereby an applicant must pass the Knowledge test before they can continue with the rest of the application process.
39. Driving Proficiency	- Reformatted
40. Driver Application Procedures	- Reformatted
41. Conditions of Driver Licences	- Reformatted
42. Code of Good Conduct	- Reformatted to accompany changes made to the Code within the Handbook.
43. Private Hire Operators Requirements and Obligations	- Reformatted to incorporate DBS changes (as per section 35 above)
44. Insurance	- Reformatted

45. Private Hire Operator Licence Duration	- Updated to reflect the de-regulation in 2015.
46. Record Keeping	- Reformatted
47. Address from which an Operator may operator	- Reformatted
48. Sub Contracting	- New section added
49. Cross Border Hiring	- New section added
50. Enforcement	- Reformatted
51. Compliance	- New section added

To accompany the Hackney Carriage and Private Hire Licensing Policy, the Taxi Guide has been reviewed and updated to reflect operational process changes. The revised document will be referred to as the Hackney Carriage and Private Hire Handbook.

Hackney Carriage and Private Hire Licensing Policy Consultation Responses
Received

Date Received	Comments	Action
18 July 2016	<p>“The policy document should include reference under sustainability to requiring taxi drivers to switch off engines when stationary. Some drivers are caring and do turn off their vehicles when stationary. Some drivers leave engines running outside domestic premises and at taxi stands.</p> <p>Ability to understand and speak English. Taxi drivers must be able to understand requests made by passengers and be able to converse in English to advise fares etc.”</p>	<p><i>Reference to the running of engines is referred to in Appendix Q (Code of Conduct) in the Hackney Carriage and Private Hire Handbook.</i></p> <p><i>As part of the Knowledge Test, applicants are required to understand written English Language in a Taxi Licensing Context in order to be able to successfully pass the test.</i></p>
19 July 2016	“No issues from CCTV”	<i>No input to Policy required.</i>
28 July 2016	“I am very happy with the taxi card service, it is very handy and I am not sure what I would do without it”	<i>No input to Policy required.</i>
29 July 2016	“Having the taxi card is a god send, the taxis I use are extremely helpful. The drivers help me in and out of the car and wait for me when I need them to. The taxi card helps keep the cost of the fares down for me”	<i>No input to Policy required.</i>
1 August 2016	“Overall the taxi card service works but there are more occasions’ than not when drivers have refused to take me as I am a taxi card user. I have also been charged extra due to being in a wheelchair”	<i>No input to Policy required. A direct response to the individual was given outside of the consultation process.</i>
4 August 2016	“I am 77 years old and disabled with osteoarthritis in my knees. I use a taxi every time I go out as I cannot walk too far. I always use the same firm as they are very good to me”	<i>No input to Policy required.</i>

<p>15 August 2016</p>	<p>“There should be a difference between licence fees for a Hackney Carriage and a Private Hire Vehicle as Private Hire Vehicle drivers only have one way of getting work.</p> <p>Wheelchair accessible vehicles should be monitored more stringently as there are a lot of drivers who don't do the wheelchair jobs, they just want the vehicles for multi passenger jobs.</p> <p>Enforcing council policy about when cleared a job should drive back to the nearest taxi rank and not park up outside of Cambridge waiting for work.</p> <p>Enforcing policy about picking up from outside the City boundary i.e. only booked jobs coming through a company not as some of them do take private bookings from places like Granta Park, Cherry Hinton Hall, Cambourne”</p>	<p><i>Fees and charges are reviewed annually by the Authority and legally can only cover the cost of processing an application/ renewal and compliance.</i></p> <p><i>As part of the Customer Awareness, Safeguarding, Equality & Protection Training this particular topic will be covered in the course objectives and learning topics.</i></p> <p><i>The Enforcement Management System (along with our complaints monitoring) and our Enforcement/ Inspection timetable encompasses breaches of conditions, where offences are committed, breaches of the code of conduct or a combination of these. Specific action is detailed according to the severity/ frequency of the matter.</i></p>
<p>18 August 2016</p>	<p>“In the preface (page 6) of https://www.cambridge.gov.uk/sites/default/files/taxi-licensing-handbook.pdf there is no mention that Cambridge is also almost unique in the large number of cyclists on its roads.</p> <p>Page 6 of https://www.cambridge.gov.uk/sites/default/files/taxi-licensing-policy.pdf mentions "The protection of children and adults at risk from harm:" I assume this extends to those both within the taxi and also without, but affected by the presence of the taxi?</p> <p>As a regular cycle commuter across Cambridge, who has witnessed some appalling standards of driving and stopping from a minority of taxi drivers, I find it somewhat disappointing that no mention is made of behaviour to other road users of all classes and categories by these professional drivers, who should be driving to a higher standard than that which might be expected of the ordinary motorist, especially given the large number of</p>	<p><i>This particular fact has been added in to the Environmental Health Manager's statement (at the beginning of the Policy document).</i></p> <p><i>As part of the Customer Awareness, Safeguarding, Equality & Protection Training this particular topic will be covered in more detail in the course objectives and learning topics.</i></p> <p><i>An addition has been made to the Code of Conduct in respect of this matter.</i></p> <p><i>Furthermore, the Enforcement Management System (along with our complaints monitoring) and our Enforcement/ Inspection timetable encompasses breaches of conditions, where offences are committed, breaches of the code of conduct or a combination of</i></p>

	<p>cyclists on Cambridge's roads.</p> <p>Taxis are privileged as they are allowed in areas of the city from which ordinary motorists are prohibited. These areas are often disproportionately busy with cyclists and pedestrians as they are quieter than other roads. They should never feel threatened and that they should not be using these roads by the behaviour of taxi drivers. An example might be Sidney Street, where there is clearly no space to safely overtake a cyclist and one might argue that cycling pace is the safe speed for a motor vehicle to proceed along such a busy street where there are pedestrians doing entirely random things.</p> <p>I would recommend an extension of the licensing proficiency requirements:</p> <p>All new drivers of taxis and private hire vehicles should be required to complete a JAUPT approved, certified Safe Urban Driving course.</p> <p>If a driver is identified in a complaint, and if Licensing and Enforcement is reasonably confident that the complaint is not spurious yet not serious enough to warrant confiscation of license then that driver should at least be required to complete a Safe Urban Driving course within six weeks or else lose his or her license.</p> <p>In addition to the DVSA taxi driving assessment test, Licensing and Enforcement should administer a knowledge test about the sections of the Highway Code relevant to driving in the presence of people cycling and walking.</p> <p>Such rules as 163, 170, 173, 178, 182, 187, 192, 198, 204-225, 239, 240 and 244, all of which I regularly see being broken by taxi drivers, spring to mind. I expect professional drivers to follow these Highway Code rules but they need to be properly aware of them in the first place, and thus tested on them.</p> <p>It is a sad fact that I am very reluctant to</p>	<p><i>these. Specific action is detailed according to the severity/ frequency of the matter.</i></p> <p><i>Section 41 of the policy has been amended to reflect recent changes in the current DVSA testing for Hackney Carriage/ Private Hire vehicles.</i></p> <p><i>The Enforcement Management System dictates the penalties incurred/ action taken in relation to the complaint/ offence/ breach. The action must be proportionate to the incident. The Licensing Authority is limited to what penalties can be enforced. There is already currently a section within the Knowledge Test on the Highway Code. The Knowledge Test is kept under periodic review.</i></p> <p><i>The code of conduct and the Enforcement Management System clearly set out actions to be taken if breaches occur. The Licensing Authority accepts an individual holding a DVLA licence for no less than one year and in doing so the Authority is satisfied that a minimum standard is met in order to obtain the DVLA</i></p>
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	<p>pay to use a taxi in Cambridge, even when it would be extremely useful and convenient, as I do not wish to have to get into a possible row with the driver, if the driver of the car in which I am a paying passenger is ignoring these rules.”</p>	<p><i>Licence (in relation to the theory and practical test).</i></p> <p><i>Noted.</i></p>
<p>19 August 2016</p>	<p>“Thank you for the opportunity to offer comments on the revised taxi licensing policy. We believe that this is an opportunity to improve the taxi and private hire policy to more closely match Cambridge’s unique character. Cambridge is different from many other cities because it has the highest level of cycle riding per capita in the country. Therefore it is important that motor vehicle drivers understand how to conduct themselves safely and lawfully in the presence of people cycling and walking. Ideally, the professional drivers of taxi and private hire vehicles should be trained to the highest standards and should set the example for other drivers. In practice, many of our members have observed dangerous driving, poor behaviour in the vicinity of people cycling, and an alarming lack of knowledge from a noticeable minority of drivers.</p> <p>Access to some parts of Cambridge are restricted to certain types of vehicles, including taxis, a benefit that taxi operators receive over other drivers. Along with this advantage it must be appreciated that these restricted areas have more walking and cycling, due to their quieter roads, and their central location. This increases the exposure of taxi drivers to people walking and cycling.</p> <p>In that light, we submit the recommendation that the Taxi and Private Hire licensing proficiency requirement be extended in the following ways:</p> <p>_ All new drivers of taxis and private hire vehicles should be required to complete a JAUPT approved, certified Safe Urban Driving course. Those courses are now available in Cambridge, and are specifically designed to increase awareness of vulnerable road users</p>	<p><i>As part of the application procedure individuals are required to meet a number of requirements to ensure that they are ‘fit and proper’ to hold a licence. In doing so the grant of the licence is subject to renewal but during the lifetime of the licence the holder is also subject to the Enforcement Management system should there be any breaches of condition/ complaints received/ offences committed.</i></p> <p><i>Section 41 of the policy has been amended to reflect recent changes in the current DVSA testing for Hackney Carriage/ Private Hire vehicles.</i></p>

	<p>_ If a driver is identified in a complaint, and if Licensing and Enforcement is reasonably confident that the complaint is not spurious — yet not serious enough to warrant confiscation of licence — then that driver should at least be required to complete a Safe Urban Driving course within six weeks or else lose his or her licence.</p> <p>_ In addition to the DVSA taxi driving assessment test, Licensing and Enforcement should administer a knowledge test about the sections of the Highway Code relevant to driving in the presence of people cycling and walking. In particular, we would like to highlight the following rules that are especially important to the safety of people cycling and walking:</p> <ul style="list-style-type: none"> – <i>Rule 163: When passing, give vulnerable road users at least as much space as you would a car.</i> – <i>Rule 170: Give way to people walking who have started to cross.</i> – <i>Rule 173: Assess your vehicle’s length and do not obstruct traffic.</i> – <i>Rule 178: Do not unnecessarily encroach on the cycle waiting area.</i> – <i>Rule 182: Do not cut in on people cycling.</i> – <i>Rule 187: In a roundabout, watch out for and give plenty of room to people walking and cycling.</i> – <i>Rule 192: Keep the pedestrian and/or cycle crossing clear.</i> – <i>Rule 198: Give way to anyone still crossing after the signal for vehicles has changed to green.</i> – <i>Rules 204 to 225: Road users requiring extra care.</i> – <i>Rule 239: Check before opening your door.</i> – <i>Rule 240: You MUST NOT stop or park on a pedestrian crossing, a cycle lane, or a cycle track.</i> – <i>Rule 244: You should not park on the pavement.</i> <p>And, broadly speaking, an awareness by drivers that it is not compulsory for people cycling to use cycle facilities, and that Bikeability teaches people to take appropriate road positioning, which can include cycling in the middle of the traffic lane.</p> <p>_ All drivers should be required to learn about any new and relevant regulations, such as those for the parallel cycle and pedestrian</p>	<p><i>The Enforcement Management System dictates the penalties incurred/ action taken in relation to the complaint/ offence/ breach. The action must be proportionate to the incident. The Licensing Authority is limited to what penalties can be enforced. There is already currently a section within the Knowledge Test on the Highway Code. The Knowledge Test is kept under periodic review.</i></p> <p><i>The code of conduct and the Enforcement Management System clearly set out actions to be taken if breaches occur. The Licensing Authority accepts an individual holding a DVLA licence for no less than one year and in doing so the Authority is satisfied that a minimum standard is met in order to obtain the DVLA Licence (in relation to the theory and practical test). The code of conduct has been amended to incorporate these specific points.</i></p> <p><i>Licence holders are responsible for their own personal and professional development. However, from</i></p>
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	<p>Zebra crossings that are being installed now in Cambridge.</p> <p>We would be happy to follow up on any of these suggestions, if assistance is needed, please feel free to contact the campaign.”</p>	<p><i>November 2018 Customer Awareness, Safeguarding, Equality & Protection Training will be mandatory for all licence holders.</i></p>
<p>19 August 2016</p>	<p>“I'm a City resident (details below) who drives, cycles, and occasionally uses taxis.</p> <p>The CTC say that Cambridge has "a higher rate [of cycling] than any other local authority". The "Code of Conduct" and "Licensing Policy" have only one mention of cycles, cycling or cyclists. On page 157 of the handbook drivers are asked to give cyclists as much room as they give cars. That's an existing highway code rule - there are rather more rules which are relevant to cyclists which don't appear here.</p> <p>The "consultation" document has no reference to cycling, which is perhaps the most notable feature of Cambridge City traffic</p> <p>The standard of taxi driving in Cambridge often falls far below the law, and is significantly worse than for example London. That may be because these policy documents disregard the major notable feature of Cambridge City traffic: cyclists.</p> <p>These documents need significant revision, specifically:</p> <ol style="list-style-type: none"> 1. The licensing process should ensure that drivers are educated on how to behave courteously within the law in relation to City cyclists. This includes training on the acceptance of cyclists and cycles as a feature of City roads, and compliance with all road traffic law. 2. An enhanced complaint process. If a driver breaks the law and endangers City cyclists and there is evidence of this, the Council policy should provide a mechanism to ensure that does not continue. As licensee of a "time is money" business the council is in a very strong position to insist that the drivers you license behave within the law and in a decent manner towards City cyclists. The policy should describe how you will do this. I note that the equivalent complaint processes in London appear 	<p><i>The code of conduct has been amended to incorporate pertinent points.</i></p> <p><i>The Environmental Health Manager's statement at the beginning of the policy has been amended to reflect this.</i></p> <p><i>As part of the application procedure individuals are required to meet a number of requirements to ensure that they are 'fit and proper' to hold a licence. In doing so the grant of the licence is subject to renewal but during the lifetime of the licence the holder is also subject to the Enforcement Management system should there be any breaches of condition/ complaints received/ offences committed.</i></p> <p><i>From November 2018 Customer Awareness, Safeguarding, Equality & Protection Training will be mandatory for all licence holders.</i></p> <p><i>The Enforcement Management System dictates the penalties incurred/ action</i></p>

	to be significantly more stringent, which perhaps explains the significantly better behaviour of London cabbies.”	<i>taken in relation to the complaint/ offence/ breach. The action must be proportionate to the incident. The Licensing Authority is limited to what penalties can be enforced.</i>
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Cambridge City Council

Hackney Carriage and Private Hire Licensing Policy

October 2016

Hackney Carriage and Private Hire Licensing Policy

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PART 1

INTRODUCTION

DRAFT

1.0 SUMMARY

- 1.1 This document sets out Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy on the licensing of Hackney Carriage and Private Hire Drivers and Vehicles together with all Private Hire Operators. This document also sets out the legislative framework administered by the Licensing Authority in respect of such licences, however this Policy is not a comprehensive statement of the law.
- 1.2 This Hackney Carriage and Private Hire Vehicle Licensing Policy must reflect the clear vision of the Council to lead a united city, 'One Cambridge – Fair For All', in which economic dynamism and prosperity are combined with social justice and equality. It is a vision that the Council will share and develop, working with its citizens and partner organisations.
- 1.3 Hackney Carriage and Private Hire Vehicles play a vital and integral part in an integrated public transport system and the importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Cambridge's local economy is recognized; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Policy.
- 1.4 This Hackney Carriage and Private Hire Licensing policy is intended to put the Council's licensing requirements into context for all parties in a clear and transparent manner.

2.0 AIMS AND OBJECTIVES

- 2.1 In setting out this policy, the Licensing Authority seeks to carry out its licensing functions with a view to promoting the following objectives:
 - i) The safety and protection of the public;
 - ii) Vehicle safety, comfort and access;
 - iii) The prevention of crime and disorder;
 - iv) The promotion of environmental sustainability
 - v) Protection of children and adults at risk from harm
- 2.2 The aim of the Policy is primarily to protect the public as well as to ensure that the public have reasonable access to services. The Licensing Authority shall seek to use its licensing powers to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.
- 2.3 As a guide, in the promotion of the above objectives, the Licensing Authority will consider the following matters:

Safety and protection of the public:

- Consideration of history of convictions and cautions
- Driver conduct and performance
- Knowledge of Cambridge City
- Health and fitness to fulfil the role of a licensed driver
- Vehicle specifications

Vehicle safety, comfort and access:

- Standards of vehicle comfort and appearance

- Location and use of ranks
- Accessibility of facilities
- Number of vehicles available
- Livery

The prevention of crime and disorder:

- Commitment to work with the Police and other relevant agencies
- Planned and unplanned enforcement programme to ensure compliance
- Operating rules, conditions, byelaws and fit and proper processes
- Support with local businesses for the dispersal of customers from licensed premises

The promotion of environmental sustainability:

- To investigate alternative technology, hybrid and electric vehicles
- To only permit licenses for vehicles that comply with the particular age requirements set out in this policy
- To work with stakeholders and the trade to support the Air Quality Action Plan

The protection of children and adults at risk from harm:

- Safeguarding requirements as set down in this policy
- Co-operation with other agencies to protect children and adults at risk
- Training to cover awareness of Safeguarding
- A robust reporting mechanism for Safeguarding issues
- Determination of fit and proper persons

2.4 The Policy recognises that the licensing function is only one means of securing the delivery of the above objectives. The Licensing Authority will therefore continue to work in partnership with the trade, its neighbouring authorities, the Police, other enforcement agencies, local businesses and local people towards the promotion of the licensing objectives.

2.5 Each application or enforcement measure shall be considered on its own merits, using the policy as a main guideline. Where, and if, it is necessary for the Licensing Authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.

2.6 This Policy refers to guidance that is available to applicants, drivers and operators to assist them with processes. This guidance is known as the Hackney Carriage and Private Hire Licensing Handbook.

3.0 POWERS AND DUTIES

3.1 This statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended) which place duties on the Council to carry out its licensing function.

3.2 This document sets out the policy that the Licensing Authority will apply when making decisions about new applications and licences currently in force.

3.3 In undertaking its licensing function, the Licensing Authority will also have regard to

other relevant legislation including:

- i) Transport Act 1985 and other associated Road Traffic Acts
- ii) Road Vehicles (Constructions and Use) Regulations 1986.
- iii) Crime and Disorder Act 1998
- iv) Environmental Protection Act 1990
- v) Equality Act 2010
- vi) Health Act 2006 and Smoke-free Regulations 2006/7
- vii) Legislative and Regulatory Reform Act 2006
- viii) Road Safety Act 2006
- x) Human Rights Act 1998

4.0 BEST PRACTICE GUIDANCE

4.1 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. In formulating this policy, advice contained in the "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010" has been taken into account in order to develop this policy.

There is recognition within the Guidance that licensing requirements which are unduly stringent and demonstrate a too restrictive approach may be detrimental to the public interest and could have adverse safety implications.

4.2 Local circumstances and requirements have been taken into account in this policy and the DfT itself recognizes that individual Councils are best placed to "*decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes*"

5.0 STATUS

5.1 In exercising its discretion in carrying out its regulatory functions, the Authority shall have regard to this policy document and the objectives set out above.

5.2 Notwithstanding the existence of this policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.

5.3 Nothing in this policy will prevent an applicant or licence holder from requesting that the Licensing Authority considers the individual merits of their case and give reasonable consideration to departing from its policy. Such request may be made to, or before, the Licensing Sub-Committee or Council Officers as deemed appropriate in the circumstances of the case.

5.4 This policy will provide the Licensing Authority and Council Officers who are required to administer the licensing function with appropriate guidelines within which to act.

5.5 Where applications do not meet the requirements of the policy the Environmental Health Manager has the delegated authority to refuse to grant a licence, refuse to renew a licence or to revoke or suspend an existing licence.

5.6 The policy shall be kept under review and revised as appropriate and, in any event, not less than five years from the date of its last adoption.

5.7 The policy does not override the legal requirements embodied in any legislation in

force at the time of adoption or as may be enacted after the adoption of this policy.

6.0 THE LICENSING REGIME

6.1 Some activities are considered to be of such risk to the safety of members of the public that the law requires an approval to be in place, in the form of a licence, to regulate that activity. This is the case with the Hackney Carriage and Private Hire trade who make themselves available for hire to transport members of the public to their chosen destination in return for reward.

6.2 The legislation creates three types of licence:

- i) Vehicles (Hackney Carriage & Private Hire)
- ii) Drivers (Hackney Carriage, Private Hire & Dual Licences)
- iii) Operators (Private Hire only)

6.3 A journey not carried out in accordance with the correct licences is not only illegal; it is likely to invalidate the insurance held by the driver, vehicle proprietor and operator and could have serious consequences should an accident occur.

7.0 IMPLEMENTATION

7.1 This policy shall take effect from 17th October 2016 and will override and supersede all existing Council policy and guidance in relation to Hackney Carriage and Private Hire Licensing. The Authority expects all licence holders to comply with its terms immediately, but it is acknowledged that certain provisions may place financial obligations on existing licence holders and accordingly the Authority is prepared to permit a transitional period, during which time necessary changes must be made.

7.2 The policy will remain effective for a maximum period of 5 years but the Authority will keep the policy under review and will consult where appropriate on proposed revisions, to reflect changes in case law and legislation. The Licensing Committee may make any amendments to the policy.

7.3 References are made in this policy to the "Hackney Carriage & Private Hire Handbook". This is an operational guide that outlines the processes associated with the administration and enforcement of the Licences and is subject to amendment by the Environmental Health Manager.

8.0 PRINCIPLES, PROCESS, DELEGATION AND DECISIONS

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

8.2 The Council has delegated its Licensing function to the Council's Licensing Committee and further delegated authority to the Licensing Sub-Committee and to Officers of the Council who will determine applications and licensing decisions in accordance with this Policy.

- 8.3 Whilst officers and the relevant committees/ panel will, in the majority of cases, follow the Policy, there may be specific circumstances that require a departure from the Policy. In such circumstances, the reasons for departing from the Policy will be made clear.
- 8.4 The Licensing Sub-Committee is made up of a selection of Members from the Licensing Committee. Three Members will sit on hearings to deal with new applications, renewals and reviews of licences that are referred directly by officers. Members, when determining applications for a licence, renewals or reviews of a licence, will have regard to Hackney Carriage and Private Hire legislation, this Policy and any other relevant legislation, legal case law and other relevant Council policies.
- 8.5 The Licensing Authority has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions.
- 8.6 Any decision to refuse to grant, refuse to renew or suspend an application or any decision relating to this Policy will be determined by Officers through the scheme of delegation. The applicant will have a right of appeal to the Magistrates Court.
- 8.7 All decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub-Committee with a right of appeal to the Magistrates Court.
- 8.8 Following the determination of an application by the Licensing Authority, the applicant will receive a copy of the decision in writing. The written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.
- 8.9 Parties aggrieved by a decision of the Licensing Authority have a right of appeal. This must be lodged with the relevant Court in accordance with the relevant statutory provisions.

9.0 FEES

- 9.1 There is a statutory power for the Licensing Authority to charge fees associated with the Hackney and Private Hire licensing regime. The fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing Hackney Carriage stands and administering the regulation of and enforcement work in relation to the Hackney Carriages and Private Hire trades.
- 9.2 The appropriate fee should accompany any application or renewal made.
- 9.3 Licences surrendered prior to their expiry, or licenses that are suspended or revoked shall not be eligible for a refund.

10.0 LICENSING PROFILE

- 10.1 A Hackney Carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public.
- 10.2 Private Hire Vehicles must have no more than 8 passenger seats and must be booked in advance by customers through an operator and may not ply for hire in

the street.

- 10.3 Vehicles that are required by an applicant to carry more than 8 passengers for hire and reward fall outside the legislation governing Hackney Carriages and Private Hire vehicles and require a public service vehicle licence. The Licensing Authority has no involvement in the licensing of these vehicles.

DRAFT

PART 2
VEHICLES

DRAFT

11.0 LIMITATION OF VEHICLE NUMBERS

- 11.1 The current legal provision on quantity restrictions for Hackney Carriages is set out in section 16 of the Transport Act 1985. This provides that the grant of a Hackney Carriage Licence may be refused, for the purpose of licensed Hackney Carriages “if, but only if, the local authority is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet”
- 11.2 The Licensing Authority has undertaken a demand survey which concluded that there is no significant demand for Hackney Carriages that is unmet. Therefore, it has applied a limit of Hackney Carriage Vehicles as of 26th January 2015 for a period of three years.
- 11.3 Any limit imposed by the Licensing Authority will be subject to the requirements of Part 12 of the Equality Act 2010 and any associated Regulations such that the proportion of the taxi fleet that is accessible to a disabled person complies with any requirement that may be set by Regulations.
- 11.4 There are no powers for licensing authorities to limit the number of Private Hire Vehicles.

12.0 DEFINITIONS, SPECIFICATIONS AND CONDITIONS

- 12.1 The main difference between Hackney Carriages and Private Hire vehicles is that Hackney Carriages can be hailed in a public street or hired from a taxi rank.
- 12.2 Private Hire vehicles must be pre-booked in advance through a licensed Private Hire Operator and are not permitted to wait on a rank or be booked directly from a public street.
- 12.3 Should a Private Hire vehicle driver accept a fare which has not been pre-booked through an Operator, he is committing an offence and, if caught, will be subject to relevant enforcement action by the Licensing Authority.
- 12.4 Anyone being conveyed in a Private Hire vehicle which has not been pre-booked will not be covered by the drivers insurance.
- 12.5 Local Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as Hackney Carriage or Private Hire Vehicles.
- 12.6 Government guidance suggests that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Licensing Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice that can be shown to meet basic criteria. In that way, emerging designs for vehicles can be taken into account.
- 12.7 Licensing Authorities are asked to be particularly cautious about specifying only purpose-built Hackney Carriages, with the strict constraint on supply that implies. There are at present only a small number of designs of purpose-built Hackney Carriages. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.
- 12.8 The Licensing Authority will only license a vehicle as a Hackney Carriage or a

Private Hire Vehicle if it complies with European Whole Vehicle (M1) type approval, M1 Low Volume Type Approval or UK National Small Series Type Approval and Individual Vehicle Approval (IVA). These approvals related to wheelchair accessible vehicles/ converted vehicles and not saloon vehicles.

- 12.9 A vehicle will only be licensed as a Private Hire vehicle if it is not of an appearance or design that is considered likely to lead the public to think it is a licensed Hackney Carriage vehicle.
- 12.10 The Licensing Authority is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a Hackney Carriage or Private Hire vehicle licence. Hackney Carriages and Private Hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous.
- 12.11 This will also apply to Private Hire vehicles unless they are treated as a “special vehicle”.
- 12.12 The ‘Hackney Carriage and Private Hire Handbook’ sets out the specification and minimum standards in respect of Hackney Carriages and minimum standards for Private Hire Vehicles. All vehicles presented to the Licensing Authority for licensing and all vehicles whilst licensed must comply with the Authority’s current Hackney Carriage and Private Hire policy, handbook and vehicle testing standards specification.
- 12.13 The Licensing Authority reserves the right to carry out or require any form of test, examination or assessment as it sees fit to determine the suitability of a vehicle for licensing or to remain a licensed vehicle.

13.0 FARES

- 13.1 Hackney Carriage drivers may only charge their passengers such fare as is set by the Licensing Authority and published by it in its table of fares. The charges levied by Private Hire operators and drivers are not subject to the Authority’s control and form a private contract between the hirer and the operator.
- 13.2 The Licensing Authority is able to review the Hackney Carriage Table of Fares (“the tariff”) annually.
- 13.3 A table of authorised fares shall be provided to each Hackney Carriage Licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.
- 13.4 The Licensing Authority is unable to set fares for Private Hire Vehicles.

14.0 METERS

- 14.1 The meter will be calendar controlled to the current tariff as set by the Licensing Authority.
- 14.2 The taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is compliant. The certificate issued must be available for inspection on the vehicle. Seals must be intact at any time that the vehicle carries a Licence plate except when at an approved installers premises.

14.3 Meters are required to meet the Public Carriage Office Specification

15.0 ACCESSIBILITY AND EQUALITY

15.1 Cambridge City Council has a specific Hackney Carriage and Private Hire Disability Access Statement which can be found in the Hackney Carriage and Private Hire Handbook.

15.2 All new drivers must attend Accessibility & Equality Training as part of the application process.

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

15.4 All new Hackney Carriages (above plate 121) must be wheelchair accessible vehicles.

The Authority will apply any specification for such vehicles as may be provided by Regulations under the Equality Act 2010 and these will be detailed in the "Hackney Carriage and Private Hire Handbook". There is not the same requirement for private hire vehicles to be wheelchair accessible.

15.5 As Hackney Carriages pick up passengers from ranks and the road side, all new licensed Hackney Carriages must be side loading, the Licensing Authority will not licence rear loading wheelchair accessible vehicles.

15.6 Hackney Carriage licence plates numbered 1 to 121 retain protected "grandfather rights" to use saloon style vehicles.

15.7 The Equality Act 2010 places certain duties on licensed drivers to provide assistance to people in wheelchairs and to carry them safely. There are similar requirements on drivers in relation to the treatment of passengers with an assistance dog. Neither drivers nor operators of licensed vehicles can make any extra charge or refuse to carry such passengers.

15.8 Licensed drivers who are unable to carry out the duties imposed upon them under the Equality Act 2010 may apply to the Licensing Authority for an exemption certificate from those duties. The Council must issue an exemption certificate to that licensed driver if they are satisfied that it is appropriate to do so on medical grounds. It is the driver's responsibility to apply to the Council for such an exemption and to satisfy the Licensing Authority at his or her own cost of the medical grounds. A driver has no defence against these offences even if a medical ground or other physical condition exists, if he has not been issued an exemption certificate.

15.9 It is arguable that different accessibility considerations should apply between Hackney Carriage and Private Hire vehicles in that Hackney Carriages can be hired directly in the street or at a Hackney Carriage stand ("taxi rank"), by the customer dealing directly with a licensed driver. However, Private Hire vehicles can only be booked through a licensed Private Hire operator, normally by telephone or by visiting the Private Hire operator office. It is therefore considered particularly vital that an individual with accessibility requirements should be able to

hire a Hackney Carriage on the spot with the minimum delay or inconvenience, and requiring that all new Hackney Carriages are accessible assists in achieving that aim.

- 15.10 It is important that vehicle drivers, proprietors and operators ensure that licensed drivers carry all passengers in safety and comfort, and that they do not allow wheelchair passengers to travel sideways in their wheelchair. Therefore
- 15.11 Drivers should be appropriately trained in the use of relevant belts and other restraint locking mechanisms to ensure the safety of their passengers. It is the drivers responsibility to ensure that they understand fully how to use the equipment.

16.0 VEHICLE TESTING

- 16.1 The Licensing Authority must be satisfied that vehicles which are licensed by them are safe to operate within its area.
- 16.2 The DfT guidance recognizes that an annual MOT test for licensed vehicles of whatever age is necessary. No vehicle may be used as a Hackney Carriage or Private Hire vehicle unless it has been given a certificate of compliance in respect of a satisfactory test from the approved testing station, and has been appropriately licensed by the Authority.
- 16.3 Vehicle testing is carried out twice yearly, the Hackney Carriage and Private Hire Handbook sets out the specification and standards for vehicle testing and compliance. In addition to this, the Authority will adhere to National Vehicle Standards along with any localised byelaws or conditions as described in the Hackney Carriage and Private Hire Handbook.
- 16.4 The Licensing Authority may appoint a currently registered MOT station as an Appointed Testing Station who will conduct vehicle tests on its behalf. The Authority reserves the right to limit the number of approved garages.
- 16.5 Hackney Carriage and Private Hire vehicles are granted licences for a maximum period of one year. Prior to being granted a licence, each vehicle shall be examined and tested at Cambridge City Council's garage, , at which compliance with the requirements is assessed and confirmed by the issue of a certificate of compliance.
- 16.6 It is the proprietor's responsibility to ensure that all testing and application procedures are completed in order for the vehicle to become and/ or remain licensed.
- 16.7 Licensed vehicles that fail an authorised examination and test, and are deemed non-compliant by the examiner, will result in the vehicle proprietor being invited to re-test the vehicle. If an existing licensed vehicle fails, it must not work until a compliance test has been passed.
- 16.8 Proprietors of licensed vehicles are required to inform the Authority as soon as possible, and most certainly within 72 hours, of any accident that causes damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried. Proprietors must also present the vehicle to the Licensing Authority, for inspection, if requested.

16.9 Full details on the accident reporting process can be found within the Hackney Carriage and Private Hire Handbook.

17.0 VEHICLE INSPECTIONS

17.1 Licensed vehicles shall be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions of Licence is essential and will be enforced by periodic and/ or random vehicle inspections by authorised officers of the Council. Further guidance on vehicle inspections can be found in the Hackney Carriage and Private Hire Handbook.

18.0 SIGNAGE, LIVERY AND ADVERTISING

18.1 It is essential that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle.

18.2 Within Cambridge City Council's area, both Hackney Carriages and Private Hire vehicles will be required to display licence plates on their vehicle. This is a key feature in helping to identify vehicles that are properly licensed:

- i) Hackney Carriage Vehicles have a crest on the side of the vehicle bearing the words 'Cambridge Hackney Carriage'. They also display a pale blue identification plate on the rear of the vehicle and have a 'Cambridge Licensed Taxi' yellow roof sign on the top of the vehicle
- ii) Private Hire Vehicles do not have a taxi sign or crests. They display pale green front and rear identification plates and must bear a company door sign stating 'Private Hire – Pre-booked Only'.

18.3 The external licence plate supplied by the Licensing Authority shall be securely fixed to the outside of the vehicle, no temporary fixing is allowed.

18.4 Private Hire vehicles are not permitted to display roof mounted signs or any signs that include the words "taxi" or "cab" or "for hire".

18.5 Roof signs fitted to Hackney Carriage vehicles shall be illuminated at all times when the vehicle is available for hire. The sign bearing the word "TAXI" in black lettering on a yellow background on the front and "Cambridge Licensed Taxi Cab" in black lettering on a red background on the back is at all times to be prominently displayed on the roof of the vehicle except:

- i) when the vehicle is on hire for a wedding
- ii) when it is necessary to accommodate passengers luggage by use of a roof rack
- iii) when the vehicle is being used for social, domestic or pleasure purposes.

18.6 The roof sign can also be removed when the vehicle is undergoing maintenance work or is being cleaned, but must be put back on the vehicle before the vehicle is used again for hire and reward.

18.7 In order to ensure that the crests remain prominent and are not compromised by any other advertising the crests should be a minimum of 9.5 inches in diameter if circular in size and 10 inches width and height if square with no background colour, and attached to both the nearside and offside front doors of the vehicle.

18.8 Private Hire vehicles do not permit the display of advertisements. However, limited internal and external advertising may be permitted on hackney carriages in accordance with the Advertising Standards Agency code of practice and provided that the advertising leaves a 20 cm distance from the door crests. Any permission to display advertising will be subject to the prior written approval of the Council although advertisements concerning the following subjects will not normally be approved: -

- i) Political, ethnic, religious, sexual or controversial subjects
- ii) Escort agencies, gambling establishments or massage parlours
- iii) Nude or semi-nude figures
- iv) Tobacco or alcohol
- v) Anything likely to offend public taste

19.0 EXEMPTIONS

19.1 The DfT have issued guidance regarding the types of activities that may require licensing. In general, the following will not be considered to require licensing:

- Child minder vehicles
- Care transport workers
- Volunteers
- Ambulances
- Courtesy Cars

Each case will be taken on its own merits and the nature of the operation will be taken into account when considering if a licence is required.

19.2 The open display of the identifying licence plates is intended by the licensing legislation in protecting the public and supporting the trade by identifying it as a regulated business. However, there are occasions when the display of such identification is inappropriate on a Private Hire Vehicle and exemptions may be granted where there is sufficient reason.

19.3 Detailed guidance on the Plate Exemption Procedure for Private Hire Vehicles can be found in the Hackney Carriage and Private Hire Handbook.

20.0 STRETCHED LIMOUSINES AND PRESTIGE VEHICLES

20.1 Stretched limousines are elongated saloon cars, which are generally used for Private Hire work and special occasions.

20.2 Most limousines are imported for commercial purposes and are therefore required to take a Single Vehicle Type Approval (SVA) [to be replaced by the Individual Vehicle Approval (IVA)] test. The SVA or IVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads.

20.3 Any stretched limousines that are offered for private hire do require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week.

20.4 Applications to Licence stretched limousines as Private Hire vehicles will be treated

on their merits. However, imported stretched limousine type vehicles can:

- i) be granted an exemption from the requirement under the conditions of licence for Private Hire to be right hand drive;
- ii) be authorized as prestige type vehicles; and
- iii) be approved for licensing as Private Hire vehicles subject to the additional conditions detailed in the 'Taxi Guide'

20.5 Proprietors of prestige type vehicles licensed as Private Hire vehicles or Private Hire vehicles used in special circumstances may seek the permission of the Authority to waive the conditions of their licence relating to the display of licence plates, door stickers and driver badges.

21.0 CONTRACT VEHICLES

21.1 The Road Safety Act 2006 requires vehicles used for a contract with an organization or company, for carrying passengers for hire or reward under a contract, to be licensed as private hire vehicles. As a general guide this shall include executive hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

21.2 All vehicles with less than 8 passenger seats or fewer that carry passengers for hire and reward must be licensed by the Local Authority. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as 'courtesy cars', i.e. for transporting customers to and from hotel, nightclubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed.

21.3 Those operating 'courtesy cars', e.g. for transporting customers to and from hotels, nightclubs, etc. should have an operator's licence and the vehicles and driver must be appropriately licensed.

21.4 All ambulances registered with the British Ambulance Association will be exempt from private hire licensing.

21.5 Other patient transport services provided by either NHS or Voluntary Services that are registered with the British Ambulance Association will be exempt from private hire licensing.

21.6 All other ambulance or patient transport services that are not registered with the British Ambulance Association may be required to conform to private hire licensing requirements. The Licensing Authority strongly recommends that anyone wishing to provide this type of service contact the Council for each case to be considered on its merits.

21.7 In relation to Voluntary Sector Transport, the Licensing Authority will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.

21.8 When determining whether a vehicle is operating as a Private Hire Vehicle, the Licensing Authority will have reference to the Department for Transport's guidance

note “Private Hire Vehicle Licensing” and any relevant case law.

- 21.9 The Licensing Authority will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Authority considers that private hire vehicle licensing is necessary.

22.0 WEDDING VEHICLES

- 22.1 Vehicles used wholly or mainly for the traditional purposes of wedding ceremonies are exempt from the requirement to be licensed.

23.0 FUNERAL VEHICLES

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

24.0 SAFEGUARDING

- 24.1 Cambridge City Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

- 24.2 Safeguarding is the process of protecting children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect, and physical, emotional and sexual abuse.

- 24.3 All new hackney carriage, private hire and dual driver, proprietor and operator applicants must attend and pass the mandatory safeguarding training before submitting an application. Further guidance can be found the Hackney Carriage and Private Hire Handbook.

- 24.4 A mandatory refresher of the training will need to be undertaken by all licence holders, and an examination successfully passed, every three years.

25.0 DRIVER SAFETY

- 25.1 The trade provides a valuable service and security for drivers and passengers is of paramount importance. There are a number of ways to reduce risks such as prepayment of fares, driver screens, CCTV surveillance systems and radio link schemes.

- 25.2 The Hackney Carriage and Private Hire trades are encouraged to build good links with the local police force, including participation in any crime and disorder reduction partnerships.

- 25.3 The Licensing Authority does not require enhanced security or CCTV measures to be in vehicles at this time as it is considered that the taking of such measures should be left to the judgment of individual operators, proprietors and drivers. However, the Authority wishes to support the trade in taking sensible measures to protect the drivers and passengers in licensed vehicles and does recognize that there are benefits to the trade, and public, where CCTV is installed in licensed vehicles.

- 25.4 Whilst the Licensing Authority supports the use of CCTV in licensed vehicles the Authority is also mindful of the fact that there are data protection concerns arising from the use of such surveillance. Proprietors of licensed vehicles are responsible for

ensuring that installed CCTV conforms to the relevant applicable legislation, such as the Data Protection Act 1998.

25.5 To assist the trade and protect the public the Licensing Authority will expect that, where CCTV is installed in a licensed vehicle, the Proprietor will ensure:

- i) That the appropriate person responsible for the camera is registered as the Data Controller under the Data Protection Act 1988 and is responsible for ensuring compliance with the Act and associated legislation.
- ii) The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO).
- iii) Vehicles must display relevant signage informing members of the public that CCTV is in operation and that they are being filmed.
- iv) Access provision and agreements must be in place in order for the footage to be used by the relevant bodies and agencies.

25.6 Any proprietor wishing to install CCTV within a vehicle should seek advice from the Authority prior to the grant of the licence. Any permission to install CCTV may be subject to conditions attached to the vehicle licence.

25.7 The Licensing Authority reserves the right to amend the CCTV specification from time to time as the need arises, having regard to changes in technical standards, case law, national policy or any other circumstances that make it reasonable to amend the current specification.

25.8 Further guidance on driver safety can be found in the Hackney Carriage and Private Hire Handbook.

26.0 HACKNEY CARRIAGE STANDS

26.1 The purpose of Hackney Carriage stands (known as Taxi Ranks) is to provide the public with a set location where they can hire a licensed Hackney Carriage. Stands can be continual or be for part time use (e.g. night time only ranks).

29.2 A list of all public taxi ranks in the city are detailed in the Hackney Carriage and Private Hire Handbook.

27.0 VEHICLE APPLICATION PROCEDURES

27.1 The application procedures for a Hackney Carriage or Private Hire vehicle licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook.

27.2 The Licensing Authority shall consider all applications on their own merits once the appropriate criteria have been met and the application form and supporting documents are complete. Only then, and if the Licensing Authority is satisfied that the vehicle is suitable, will a licence be granted.

27.3 The vehicle proprietor is responsible for ensuring that the application process is followed and all necessary steps, documentation and fees are submitted in accordance with the procedure.

28.0 GRANT OF VEHICLE LICENCES

- 28.1 The maximum period for which a vehicle licence will be granted is 1 year. The Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstance.
- 28.2 The responsibility for applying to renew a licence, and to ensure that a vehicle is licensed, rests solely with the licence holder. Application forms, appropriate fees and supporting documentation, as set out in the Hackney Carriage and Private Hire Handbook shall be produced and any necessary appointments shall be arranged on a date prior to the expiry date of the licence. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 28.3 The Licensing Authority will only accept complete applications comprising of all the necessary information and documentation. Late or incomplete applications may render a vehicle being unlicensed for a period of time during which it will be unable to be used for licensed purposes. In some cases, once a licence has lapsed, vehicles may not be eligible to be re-licensed.

29.0 ENVIRONMENTAL CONSIDERATIONS

- 29.1 The DfT guidance suggests that authorities may wish to consider how far the vehicle licensing policy can and should support local environmental policies that the Licensing Authority may have. They may also decide to set vehicle emissions standards by promoting cleaner fuels. Local licensing authorities may also wish to note that a review carried out by the National Society for Clean Air and Environmental Protection in 2005 found taxis were more likely than other vehicles to fail emissions tests.
- 29.2 Cambridge City Council considers that every effort should be made to improve the efficiency of vehicles licensed to operate in the city by reducing the emissions of pollutants such as Nitrous Oxides, Particulate Matter and Carbon Dioxide.
- 29.3 The European Union has introduced stricter limits on pollutant emissions from light road vehicles, particularly for emissions of nitrogen oxides and particulates.
- 29.4 In order to limit pollution caused by road vehicles, this Regulation introduces common requirements for emissions from motor vehicles and their specific replacement parts (Euro 5 and Euro 6 standards).

NOx and PM emission standards for diesel cars

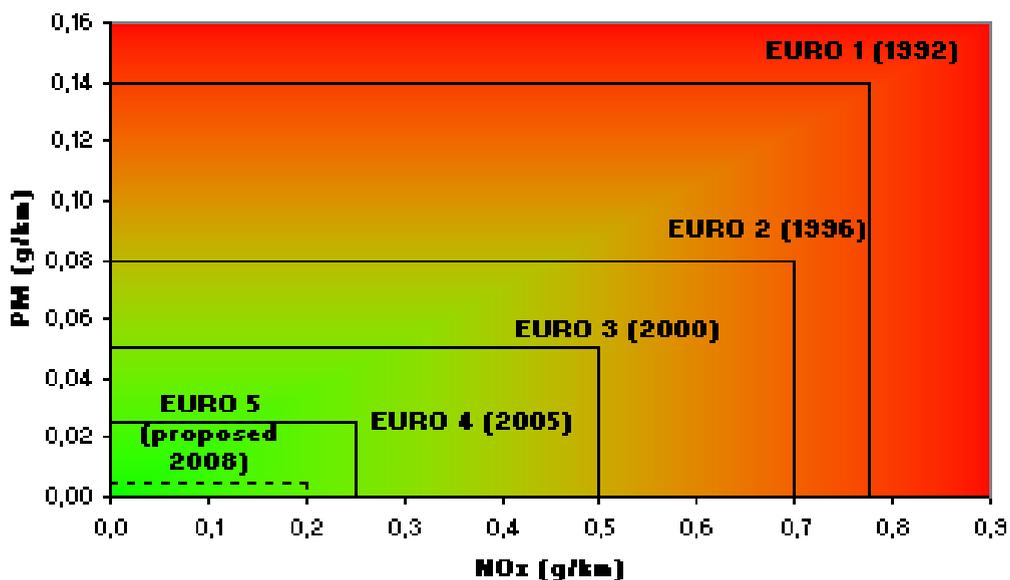


Figure 1 – Chart showing the implementation dates of successive Euro Standards and the Nox and PM levels for each of those standards

EURO STANDARD	DATE	NOX (G/km)	PM (G/ km)
Euro 1	July 1992		0.14
Euro 2	January 1996		0.08
Euro 3	January 2000	0.50	0.05
Euro 4	January 2005	0.25	0.02
Euro 5	September 2009	0.18	0.00
Euro 6	September 2014	0.08	0.00

Table 1 – Table showing the implementation dates of successive Euro Standards and the Nox and PM levels for each of those standards.

- 29.5 Cambridge City declared an Air Quality Management Area in 2004 because of predicted levels of nitrogen dioxide. An Air Quality Management Area (AQMA) is an area identified by Local Authorities where the statutory UK air quality objectives are being, or are expected to be breached up to the end of 2005, AQMAs are areas where levels of air pollution are higher than they should be (as defined by central government).
- 29.6 Levels of nitrogen dioxide in central Cambridge remain above the National Objectives; an Air Quality Action Plan was first adopted in 2005 and a more comprehensive version adopted in 2010. A revised Air Quality Action Plan is in preparation for 2015-2025.
- 29.7 The 2015-25 Air Quality Action Plan includes a plan to develop taxi policies to transform the taxi fleet into a low emission fleet which will lead to a significant reduction in emissions and a significant improvement in air quality.
- 29.8 To support the Councils Air Quality Action Plan minimum age limits and Euro Standards will be maintained and new policy incentives to incentivize the uptake of Hybrid and electric taxis will be consulted upon and implemented:
- (i) a new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old, **and** it meets the Euro 5 standard or higher.
 - (ii) a vehicle licence will not be renewed unless the vehicle is less than 9 years old and it meets Euro 4 standard or higher.
- 29.9 With the 9-year age limit for petrol and diesel vehicles, this will mean that by 2017/18 all the internal combustion fleet licensed will be to Euro 5 or 6. The extended age allowance for low emission vehicles reflects their low pollution and supports improvements to air quality in Cambridge.
- 29.10 The term `new` means any vehicle that is being licensed for the first time with Cambridge City Council (i.e. a complete new license) or where a license is issued on a particular vehicle and then surrendered and subsequently an application to license the same vehicle is made.
- 29.11 Encouraging better maintenance of vehicles could reduce emissions from licensed vehicles further, it is intended that this aspect be tackled through education and promotion.
- 29.12 The following potential incentives and regulatory policies, which are designed to incentivise the uptake of low emission and electric vehicles within the taxi fleet could be adopted following consultation:
- i) Renewal/ Registration fee discount or exemption**
- Currently a new Hackney Carriage (HCV) or Private Hire Vehicle (PHV) registration attracts an annual. £225 fee an HCV license renewal costs £210; and renewal of a PHV costs £200.
- It would be possible to reward those drivers who license an ‘ultra-low emission’ electric or plug in hybrid vehicle (ULEV) with a full fee exemption, for a period, to

encourage early adoption. Discussion with licensing officers and trade representatives have indicated that a period of up to five years would be an appropriate period in which to incentivise uptake.

We also seek to incentivise the uptake of established hybrid vehicles which have been shown to deliver significant emission benefits over diesel engines. A fee reduction for non-plug-in petrol/electric hybrids (not diesel) such as the Toyota Prius, Auris, Honda Insignia or Accord and others would encourage further uptake of these low emission vehicles, and reward those making the step.

A 50% fee reduction in these cases for both the existing (currently 31 in the fleet) and new vehicles is suggested. The suggestion of a 50% fee waiver acknowledges that standard hybrid vehicles will not have as much impact on emissions as will a full ULEV compliant vehicle but will encourage the shift away from Diesel whilst being simple to administer.

Both of the suggested incentives here have a financial cost as the Taxi licensing service is self-funded through the collection of fees. Any fees waived would need to be made up from general revenue funds.

ii) Waive or extend age limit for ULEVs or Hybrids.

This policy measure changes the business case for Taxi drivers considerably, by allowing vehicle cost to be spread over 10 or more years rather than 8 or less. We would consider up to a 15 year age limit for fully electric vehicles (subject to roadworthiness etc.) and 10 years for petrol / electric hybrids which do have internal combustion engines.

iii) Waive requirement for 6 month inspection

Currently we require all City Licensed cabs to be inspected at our garage twice a year this could be relaxed to one inspection per year, for example, for the first 5 years of operation for a new low emission taxi.

iv) Create an Electric Taxi only rank

This would need to be in a popular location or replace part of an existing all vehicle rank to be effective. It may need to be located to complement charging infrastructure, and only implemented once a suitable number of Electric Vehicles have entered the fleet.

v) Vehicle Purchase Subsidies for Electric vehicles

Details of currently available subsidies are set out in the table below – A successful bid to central government could provide an additional £3000 subsidy for purpose built electric Hackney Carriages, per vehicle.

Vehicles eligible for a Plug-In Grant – from March 2016 there will be different levels of grant for different vehicles. List of vehicles in Appendix 2.

- **Category 1**
CO₂ emissions less than 50g/km and zero emission range of at least 70 miles £4,500
- **Category 2**
CO₂ emissions less than 50g/km and zero emission range of 10 – 69 miles £2,500
- **Category 3**
CO₂ emissions 50 – 75g/km and zero emission range of at least 20 miles £2,500

Source: OLEV (Office for Low Emission Vehicles)

vi) Provision of ‘Rapid - Taxi Only’ charging infrastructure

An initial number of charging points could be funded by a successful bid to central government with a further four locations funded through an existing City Council capital commitment.

vii) Set date for all newly registered vehicles to be low or ultra-low emission

Setting a date after which traditional internal combustion engine taxis could not be newly registered as a PHV or HCV in Cambridge would focus the minds of Taxi drivers to plan for moving to electric or hybrid vehicles.

A sensible suggestion would be to set this for 5 years hence (say April 1st 2021) and phase out any fee exemptions at the same time. Five years notice will give the trade more than reasonable notice of the change and allow proper business planning.

viii) Set date for all licensed taxi vehicles to be low or ultra-low emission

Setting a back stop date where all taxis licensed for operating in the City must be low or ultra-low emission vehicles. We would propose a date, 10 years hence (April 1st 2026).

Currently the age restrictions on taxis mean that no licensed vehicle can be in operation if it is over 9 years old. Therefore setting a cut-off date 10 years hence for all taxis to be ULEV or Hybrid means no one will be forced to change vehicle earlier than they would have to under the current rules, thus giving more than reasonable notice of the change to allow proper business planning for the trade.

ix) Restrict City Centre Access to ULEV and Hybrid Taxis only

This will be possible with the changes to access management of the City Centre (currently by transponder and rising bollard) to Automatic Number Plate Recognition ANPR which are pending installation by Cambridgeshire County Council.

There will potentially be considerable flexibility in how this is enforced and could be time limited for peak times. This policy is outside our own licensing powers and is only deliverable with the cooperation of the County Council. It is likely to be an important factor in ensuring compliance should the low emission criteria become mandatory.

Discussions have taken place with relevant County Officers and there is agreement that these restrictions could be delivered using the proposed mechanisms.

The Cambridge City Deal consultation is considering the implementation of a number of further traffic restrictions on key access routes outside the City Centre by introducing Bus Gates. These will use the same mechanism, ANPR to facilitate preference for buses, and could also allow access for low emission taxis.

Funds to replace current rising bollards with ANPR enforcement have already been committed by the County Council as transport authority and work will be commissioned in August and September 2016. The proposed 'Bus Gates' outside the core area will be delivered through the City Deal funding.

- 29.12 The Authority recognizes that low emission vehicles can have a positive impact on the environment and any application receives for other low and ultra-low emission vehicles will be considered on its own merits.

30.0 SMOKING

- 30.1 The driver of a licensed vehicle must not smoke in the vehicle at any time, including when the vehicle is being used for social, domestic and pleasure purposes.
- 30.2 The driver of a licensed vehicle shall not permit any other person or fare-paying passengers to smoke in a licensed vehicle.
- 30.3 This also includes a ban in electronic inhaler type cigarettes and 'vaping'.

PART 3

DRIVERS

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31.0 GENERAL

- 31.1 The statutory and practical criteria and qualifications for a Hackney Carriage Driver are similar to those of a Private Hire Driver. The sections below therefore, apply equally to Hackney Carriage, Private Hire and Dual Drivers unless indicated.
- 31.2 Licensed drivers provide a public service. The Licensing Authority will not licence anyone to drive a Hackney Carriage or a Private Hire vehicle unless it is satisfied that they are a fit and proper person.

32.0 FIT AND PROPER

- 32.1 There is no definition of 'fit and proper' in legislation nor a fixed legislative process. It is for Cambridge City Council to determine how it wishes to be satisfied that a driver is fit and proper and to this end, the Authority considers a range of documentary evidence, practical criteria and testing mechanisms provided by an applicant in order to be satisfied of this.

33.0 DRIVER LICENCES

- 33.1 The Licensing Authority grants three types of licence in respect of driving Hackney Carriage and Private Hire vehicles (Hackney Carriage Driver Licence, Private Hire Driver Licence and Dual Driver Licence). Applicants granted their first licence will be limited to a maximum period of 12 months and thereafter there is the option of having a licence issued for a minimum of 12 months or a maximum of 3 years.
- 33.2 The Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstances
- 33.3 The responsibility for applying to renew a licence, and to ensure that all documentation, checks and associated criteria is up to date, rests solely with the licence holder. Application forms, appropriate fees and supporting documentation, as set out in the Hackney Carriage and Private Hire Handbook shall be produced and any necessary appointments shall be arranged on a date prior to the expiry date of the licence. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 33.4 The Licensing Authority will only accept complete applications comprising of all the necessary information and documentation. Late or incomplete applications may render a driver being unlicensed for a period of time during which they will be unable to work as a licensed driver.
- 33.5 Applicants shall be over 18 years of age and shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months.
- 33.6 The Authority shall use the services of an appropriate party to access DVLA records in addition to checking the full licenses produced by the applicant.

34.0 ELIGIBILITY TO LIVE AND WORK IN THE UK

- 34.1 Cambridge City Council has a responsibility to ensure that it only issues licences to

individuals who have a legal entitlement to live and work in the United Kingdom.

- 34.2 Proof of the right to live and work in the UK must be provided by Driver and Operator applicants in accordance with the Immigration, Asylum and Nationality Act 2006. As part of the new licence application process, individuals will be required to present original documentation for verification and copies will be made and retained on file. The Home Office has produced a list of documents that applicants can provide, further information can be found in the Hackney Carriage and Private Hire Handbook.
- 34.3 If an individual is not a UK or EEA national then they will need to obtain permission to live and work in the UK.
- 34.4 Individuals may have a permanent or temporary right to live and work in the UK. Licences will not be issued for a period any longer than the length of an individual's permission to live and work in the UK.
- 34.5 The Licensing Authority work in conjunction with the Home Office to ensure that Immigration Offences are minimized. The Licensing Authority may exercise discretion to grant or renew a licence, or to suspend or revoke an existing licence if an individual is found to be living or working in the UK without the required authorization.
- 35.0 DISCLOSURE AND BARRING SERVICE (DBS)**
- 35.1 A Disclosure and Barring Service Certificate (DBS) is seen as an important safety measure by the Licensing Authority to ascertain whether or not a driver applicant is fit and proper to hold a licence.
- 35.2 Cambridge City Council is an approved DBS registered body and driver applicants can therefore deal with the DBS through the Council and pay the appropriate fee. Cambridge City Council will not accept portability of a DBS.
- 35.3 An enhanced DBS shall be undertaken upon application and every three years after (if subsequent renewal applications are made) as these disclosures include details of spent convictions, police cautions and other relevant information. The Licensing Authority may, at its discretion, require additional DBS checks within the standard three year cycle.
- 35.4 A Council may require an applicant for a licence under the Town and Police Clauses Act 1847, or under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976, to submit any information that they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence. Cambridge City Council therefore requires any Proprietors or Operators that are not licensed drivers with Cambridge City, to undertake an enhanced DBS upon application and every three years after (if subsequent renewal applications are made).
- 35.5 However, the Council encourages drivers, proprietors, operators and applicants to join the DBS Update Service which allows the applicant to keep the Council informed of their criminal record history at all times. It is believed that all responsible and professional licensed drivers will do this. Further guidance on the DBS Update Service can be found in the Hackney Carriage and Private Hire Handbook.

- 35.6 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction would be regarded as 'spent' and not normally require disclosure of that conviction. However, in 2002 the Act was amended to exclude Hackney Carriage and Private Hire Drivers from the 1974 Act. The driving of Hackney Carriage and Private Hire vehicles is listed as a 'Notifiable Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- 35.7 Applicants must disclose all convictions (including driving convictions), police warnings, and reprimands, ASBOs, cautions, Community Service Orders, Restraining Orders and fixed penalties including those that would previously have been regarded as spent under the 1974 Act.
- 35.8 Existing licence holders must disclose all new convictions (including driving convictions), police warnings, reprimands, ASBOs, cautions, Community Service Orders, Restraining Orders and fixed penalties to the Licensing Authority in writing within seven working days. Further information on DBS's, relevance of Convictions and Cautions and the Rehabilitation of Offenders Act 1974 can be found in the Hackney Carriage and Private Hire Handbook.
- 35.9 For the consideration of convictions and police cautions recorded against individuals, the Licensing Authority has adopted the policy as set out in the Hackney Carriage and Private Hire Handbook..
- 35.10 In assessing whether the applicant is a fit and proper person to hold a licence, the Licensing Authority shall consider each case on its own merit. It will have regard to the following factors in assessing the relevance of cautions and convictions:
- Whether convictions are spent or unspent
 - The nature of the offence or information
 - The age of the offence
 - The apparent seriousness, as gauged by the penalty
 - Any pattern of offending

Upon receipt of a disclosure from the Disclosure and Barring Service, the information will be risk assessed by an Authorised Officer who will consider whether the information received is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence in line with the policy guidance in the Hackney Carriage and Private Hire Handbook.

36.0 CERTIFICATES OF GOOD CONDUCT

- 36.1 Applicants who have lived out of the UK for any period of time within the five years prior to their application or renewal must obtain a certificate of good conduct from the relevant embassy or consulate covering that period.
- 36.2 The certificate of good conduct must be authenticated, translated and sealed by the relevant embassy or consulate.
- 36.3 Any costs associated with obtaining a certificate of good conduct are the responsibility of the applicant or driver.

37.0 DRIVING LICENCE RECORDS

- 37.1 The Licensing Authority will carry out a check of DVLA records when considering if an applicant or driver is a fit and proper person to be licensed. This is to ensure that the

information submitted by the applicant is in accordance with the information held by the DVLA and so that the the Licensing Authority are aware of any endorsements on the individual's driving licence.

38.0 MEDICAL EXAMINATION

38.1 The DfT recognizes that it is good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for Hackney Carriage and Private Hire drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the general public who have expectations of a safe journey;
- they are on the road for longer hours than most car drivers; and
- they may have to assist disabled passengers and handle luggage.

38.2 The Licensing Authority acknowledges the importance of a driver's good physical and mental health in protecting the public and requires that all new and renewal drivers must meet the DVLA Group II Medical Standards.

38.3 Medicals are required for all new applicants and every five years thereafter until the age of 60. Whilst Group II Licences are valid up until 45 and every five years thereafter, CCC have a more frequent checking mechanism for medical fitness.

38.4 Medicals are required for all new applicants (including holders of PSV and/ or HGV licences). After the initial medical, subsequent medicals are then required every five years at each of the following birthdays: 25, 30, 35, 40, 45, 50, 55 and 60.

38.5 Once a driver has reached the age of 60 a medical will be required annually thereafter.

38.6 For holders of current PSV and/ or HGV licences, who can produce evidence of a current medical examination, the Council will accept the PSV/ HGV entitlement in lieu of a medical at age 45, 50, 55 and 60.

38.7 Licence holders and applicants must consider the medical conditions as listed in the Hackney Carriage and Private Hire Handbook as the Licensing Authority may refuse to grant an application or revoke an existing licence where an applicant has any of the listed conditions.

38.8 If, once licensed, the drivers medical circumstances change during the period which the licence is held, the driver must notify the Licensing Authority within 7 days. If there is any doubt as to the medical fitness of an individual, the Authority may require the individual to undergo a further medical examination by their GP or an approved practitioner. Each case will be assessed on its own merits and further guidance can be found in the Hackney Carriage and Private Hire Handbook.

39.0 KNOWLEDGE

39.1 Hackney Carriage and Private Hire drivers need a good working knowledge of the area for which they are licensed, because vehicles can be hired immediately, directly with the driver at hackney carriage stands or on the street in the case of Hackney Carriages and by prior booking through a Private Hire Operator in the

case of Private Hire Vehicles. Additionally, it is expected that drivers should be able to communicate with their customers and be able to carry out the basic arithmetic associated with the paying of fares.

39.2 In order to commence the new driver application process an applicant must first register to take a Cambridge City Council Knowledge Test. Only once the Knowledge Test has been passed may they continue with the application process.

39.3 The test can only be attempted four times within 12 months, and then it is recommended that if applicants wish to reapply, they do so after a break of six months. Additional guidance on the Knowledge Test can be found in the Hackney Carriage and Private Hire Handbook.

40.0 DRIVING PROFICIENCY

40.1 As licensed drivers are on the road more frequently than most other people, the Licensing Authority has concluded that an additional Driving Assessment (to the DVLA Driving Test) may be the standard of driving competency for the drivers of Hackney Carriage and Private Hire vehicles licensed with this Authority.

41.0 DRIVER APPLICATION PROCEDURES

41.1 An application for a Hackney Carriage, Private Hire or Dual driver's licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook.

42.0 CONDITIONS OF DRIVER LICENCES

42.1 Hackney Carriage Drivers are subject to the Council's Byelaws.

42.2 The Authority considers that the conditions as set out in the Hackney Carriage and Private Hire Handbook are reasonable, necessary and appropriate for all licensed Hackney Carriage and Private Hire drivers.

43.0 CODE OF GOOD CONDUCT

43.1 The Licensing Authority consider that Hackney Carriage and Private Hire trade is the key front line transport service for residents and visitors to Cambridge City and have set down the standards which must be adopted in maintaining a safe, professional and efficient approach to transport members of the public.

43.2 The standards of expected behavior of all licensed drivers are set out in the Hackney Carriage and Private Hire Handbook and should be read in conjunction with the other statutory and policy requirements set out in this document.

43.3 The code of conduct is in place to enhance the professionalism of, and to promote public confidence in, licensed drivers. Failure to comply with any aspect of the Code of Conduct will not necessarily result in enforcement action. However, breach of the code is an indicator which the Licensing Authority will use to help decide upon subsequent enforcement action.

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PART 4
OPERATORS

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44.0 PRIVATE HIRE OPERATORS REQUIREMENTS AND OBLIGATIONS

- 44.1 Any person who operates a Private Hire service (who is not a Hackney Carriage Proprietor who permits Hackney Carriages to be used for Private Hire) must apply to the Licensing Authority for a Private Hire Operator's Licence. The objective in licensing private hire operators is the safety of the public, who will be using operator's premises, and vehicles and drivers, arranged through them.
- 44.2 A Private Hire vehicle may only be dispatched to a customer by a Private Hire Operator who holds an operators' licence. Such licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle.
- 44.3 A Private Hire operator shall ensure that every Private Hire vehicle is driven by a person who holds a Private Hire driver's licence.
- 44.4 An application for a Private Hire Operator's licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook. The Licensing Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence.
- 44.5 All three licences:
- i) Private Hire operator's licence
 - ii) Private Hire driver's licence
 - iii) Private Hire vehicle licence
- must be issued by the same Licensing Authority
- 44.6 Private Hire operators, that are not licensed drivers, are required to produce an enhanced DBS certificate or (if they have lived out of the UK for a period of six months or more in the last five years) a certificate of good conduct from the relevant embassy or consulate for overseas applicants. In order to promote the objective of public safety, before an application for a Private Hire Operators licence will be considered, the Licensing Authority requires all new Private Hire Operators (who are not already licensed drivers with the City Council) to submit an Enhanced DBS certificate (dated within one month) as part of their application.
- 44.7 All Private Hire Operator renewals (for individuals who are not already licensed drivers with the City Council) are to undertake an Enhanced DBS certificate (dated within one month) every three years.
- 44.8 The application procedure for new and renewal Private Hire Operators licences is set down in the Hackney Carriage and Private Hire Handbook.
- 44.9 The Licensing Authority has power to impose such conditions on an operator's licence, as it considers reasonable necessary. These are set out in the Hackney Carriage and Private Hire Handbook.

45.0 INSURANCE

- 45.1 Before an application for a Private Hire Operator's licence is granted, the applicant shall produce evidence that they have taken out Public Liability insurance for premises that are open to the public.
- 45.2 The conditions for Private Hire Operators licences, will require that the operator produce an appropriate certificate of motor insurance that covers every Private Hire vehicle on the operators fleet policy.

46.0 PRIVATE HIRE OPERATOR LICENCE DURATION

- 46.1 Cambridge City Council shall grant Private Hire operator licences for a period of one year from the date of grant or for five years from the date of grant (renewal licences only).
- 46.2 The responsibility for applying to renew an Operator licence, and to ensure that all documentation, checks and associated criteria is up to date, rests solely with the licence holder. Application forms, appropriate fees and supporting documentation, as set out in the Hackney Carriage and Private Hire Handbook shall be produced and any necessary appointments shall be arranged on a date prior to the expiry date of the licence. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 46.3 The Licensing Authority will only accept complete applications comprising of all the necessary information and documentation. Late or incomplete applications may render an operator being unlicensed for a period of time during which they will be unable to work as a licensed operator.

47.0 RECORD KEEPING

- 47.1 The Local Government (Miscellaneous Provisions) Act 1976 requires Operators to keep records of each booking. Information should include the date and time of the booking, the name of the passenger, how the booking was made, the destination, the name of the driver and the licence number of the vehicle. Records can be kept in a suitable book or on a computer or any other recordable device. If you are using a book the pages must be numbered consecutively.
- 47.2 The Operator shall permit an Authorised Officer of the Council access to records required by their licence, at all reasonable times.
- 47.3 The operator must hold records of insurance and licence expiry dates of drivers and vehicles. No journeys can be allocated to uninsured or unlicensed drivers and vehicles.

48.0 ADDRESS FROM WHICH AN OPERATOR MAY OPERATE

- 48.1 The Licence Authority, when it grants an Operator's licence, will specify the address from which the operator may operate. This will be the premises where the records referred to (as above) are kept and at which the Licensing Authority may inspect them.
- 48.2 The Operator must notify the Licensing Authority in writing of any change of address during the period of the licence, within seven working days.
- 48.3 The operator is responsible for ensuring that appropriate planning consent exists

for the use of the operational address to be used for that purpose. The grant of a Private Hire Operator's licence will not imply that planning consent has been given. Proof of planning permission may be required before a licence is granted.

- 48.4 The Licensing Authority will not grant an operator's licence for an operator with an operating base that is outside the district area. However, it is possible to obtain an Operator's Licence for premises within 10 miles of the City Boundary. This is to ensure that proper regulation and enforcement measures can be taken and is in no way intended to be a restraint on trade.

49.0 SUB CONTRACTING

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

50.0 CROSS BORDER HIRING

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

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- 51.1 It is recognised that a well-directed, risk based approach to enforcement activity by the Licensing Authority benefits not only the public but also the responsible members of the Hackney Carriage and Private Hire trades. The DoT accepts that the resources devoted by licensing authorities to enforcement will vary according to local circumstances.
- 51.2 Legislation relating to a Licensing regime and the conditions of licence designed to protect public safety are of no value unless they are correctly enforced by the Licensing Authority. In pursuance of the objective to encourage responsible Hackney Carriage and Private Hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives set out in section 3.0 of this document. Where defects are such that a vehicle or driver's Licence needs to be suspended, interference with livelihood is inevitable.
- 51.3 The City Council has adopted an Enforcement Management System and any action taken will be in accordance with the Council's Enforcement Policy.
- 51.4 The enforcement management system, as set out in the Hackney Carriage and Private Hire Handbook, will ensure that the Licensing Authority's enforcement effort is reasonable, transparent and well directed.
- 51.5 The aim of the enforcement management system will be to work in conjunction with other enforcement options and provide a formal stepped enforcement plan. The system will be used to record alleged misdemeanors and act as a record of drivers' behaviour and conduct.
- 51.6 Complaints from the public and/ or any routine enforcement that identify significant breaches of conduct will be subject to investigation by Officers. The system will serve as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.
- 51.7 The adoption of an Enforcement Management System will not, however, compromise the Council's ability to enforce breaches of statute in the Courts when necessary.
- 51.8 The City Council has adopted an enforcement policy in line with the Governments Better Regulation Unit Enforcement Concordat and Regulators Code of Practice. Any enforcement action taken will be in accordance with the Council's Enforcement Policy.
- 51.9 The Licensing Authority will share information with other agencies in respect of potential illegal activities and enter into joint enforcement operations with other agencies and authorities.

52.0 COMPLIANCE

- 52.1 Informal action to secure compliance with legislation, conditions and policy will include offering advice, requests for action, verbal advice, guidance notes, the use of written instructions and the undertaking of inspections.
- 52.2 Formal action to secure compliance with a breach of any condition, law or byelaw

will be exercised in accordance with the Enforcement Management system as detailed in the Hackney Carriage and Private Hire Handbook.

53.0 RANGE OF POWERS

53.1 The Licensing Authority may take any of the steps below upon receipt of evidence that an offence has been committed in relation to a Hackney Carriage, Private Hire or Dual Licence. A breach of condition amounts to an offence in this context:

- i) Suspension of the Licence;
- ii) Revocation of the Licence;
- iii) Refusal to Renew;
- iv) Issuing of Warnings.

In relation to an offence committed for breach of a statutory obligation, the Licensing Authority may take one of the following steps in addition to the above:

- i) Issuing of Simple Cautions;
- ii) Prosecution.

Further detail can be found in the Hackney Carriage and Private Hire Handbook.

53.2 All Officers of Cambridge City Council, duly authorised under the Authority's Scheme of Delegation, are responsible for the day-to-day operation of the Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the Policy.

54.0 COMPLAINTS, COMPLIMENTS AND COMMENTS

54.1 Members of the public who wish to submit complaints, compliments or comments about licensed drivers and operators can do so via the Licensing and Enforcement Team. All complaints will be dealt with in accordance with the process as described in the Hackney Carriage and Private Hire Handbook.

54.2 Cambridge City Council has a clear complaints procedure to ensure that there is a clear and systematic process by which members of the public can seek redress for any failures in service provision. Further guidance can be found in the Hackney Carriage and Private Hire Handbook.

55.0 WARNINGS

55.1 In respect of minor breaches of licence conditions the Licensing Authority shall issue warnings as appropriate to the circumstances. A Warning may be used for minor, technical or first time transgressions where it may not be in the public interest to prosecute. Further guidance relating to this can be found in the Hackney Carriage and Private Hire Handbook.

56.0 PROSECUTION

56.1 The Licensing Authority will have regard to the Regulators Compliance Code, Code for Prosecutors, DfT Best Practice Guidance and its own enforcement policy when considering whether or not to prosecute a licence holder for a relevant offence.

56.2 The Authority will consider prosecution where:

- the allegation is of a serious or repeated offence
- the Council proposes to issue a formal caution to the licence holder, but the offence is not admitted or the formal caution is not accepted
- there have been repeated breaches of legal requirements
- a particular type of offence is prevalent
- a particular contravention has caused public harm, particularly to the vulnerable or extreme inconvenience

57.0 SUSPENSION OF A LICENCE

- 57.1 Where a Licence holder has been referred to the Licensing Sub Committee, the Sub Committee may order the suspension of the Licence.
- 57.2 A drivers licence may be suspended with immediate effect, delegated to the Head of Environmental Services, for a hackney carriage, private hire or dual driver where it is in the interests of the public safety to do so as pursuant to Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the Magistrates' Court but this will not affect the suspension starting with immediate effect.

58.0 REFUSAL TO GRANT

- 58.1 The Licensing Authority have the discretion to decide that a licence will not be granted if the vehicle, driver or operator does not meet the requirements of the policy. There is a right of appeal to the Magistrates' Court.

59.0 REVOCATION OF A LICENCE

- 59.1 Where the Licence holder has been referred to the Licensing Sub Committee, the Sub Committee may order the revocation of the licence.
- 59.2 A drivers licence may be revoked with immediate effect, delegated to the Head of Environmental Services, for a hackney carriage, private hire or dual driver where it is in the interests of the public safety to do so as pursuant to Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the Magistrates' Court but this will not affect the suspension starting with immediate effect.

60.0 REFUSAL TO RENEW

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

61.0 RIGHTS OF APPEAL

- 61.1 Any notifications of enforcement actions will include information on how to appeal, where that right of appeal exists. This will include where and within what time period an appeal may be brought.
- 61.2 In general terms, where an applicant is aggrieved by the Council's Licensing Sub Committee decision to suspend or revoke a Licence or attach conditions to a

Licence or to refuse to grant or renew a Licence, the applicant has a right of appeal to the local Magistrates' Court. The specific grounds for appeal are detailed in the Hackney Carriage and Private Hire Handbook.

- 61.3 Any appeal must be lodged at the Court within twenty-one days of the applicant receiving written notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

62.0 INFORMATION AND DATA SHARING

- 62.1 In the interests of protecting public funds, the Council reserve the right to use any information or data submitted as part of an application, renewal, administration or compliance and enforcement process for the prevention and detection of fraud and crime.
- 62.2 The Council may share your information internally and we reserve the right to check the information you have provided for accuracy and to detect crime. We may share your information with other statutory/ regulated Authorities or if it is required by law. Other parties may include the Department for Work and Pensions, The Home Office, The Police, the DVLA, HM Revenues and Customs and other local authorities.
- 62.3 Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger where there is indication that there is a public protection risk.
- 62.4 Information is passed on at charge, or exceptionally arrest, rather than on conviction, which may be some time after, allowing appropriate measures to be put in place.



Cambridge City Council

Hackney Carriage and Private Hire Taxi Handbook

October 2016

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General Enquiries and Correspondence

The Licensing Team can be contacted via:

Email: taxi@cambridge.gov.uk

Telephone: 01223 457888

Post: Licensing & Enforcement Team
Cambridge City Council
PO Box 700
Cambridge
CB1 0JH

Web Address: www.cambridge.gov.uk

Facebook: www.facebook.com/taxilicensingccc01

Appointments: Appointments are made in advance for a visit to the Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY

The **Customer Service Centre** is open at the following times:

Monday to Friday 9.00am – 5.15pm

Cashiers are open at the following times:

Monday to Thursday 9.00am – 5.00pm

Friday 9.00am – 4.00pm

Preface

Cambridge City Council is situated in Cambridgeshire, which contains a total of 5 District Councils. Cambridge combines a rich history with the vibrancy and prosperity of outstanding educational institutions and modern businesses.

The City of Cambridge is in the east of England, 50 miles north of London. A beautiful place to live and work, Cambridge is an historic University City and market town with high quality architecture and attractive open spaces. It is also a city of national importance, being a world leader in higher education and many 21st century industries – information technology, telecommunications and commercial research, particularly the biotechnology sector.

The population of Cambridge is over 125,000. A significant characteristic of the City's population is its large and diverse student population, totaling almost 27,000 (including post graduates). This is swollen further by language students attending "summer schools", which adds to a high "churn" in our population. Cambridge is also unique with a large number of cyclists being a notable feature of the traffic.

The daytime population of the City increases significantly, with high levels of commuting into the City and very large numbers of tourists and visitors. Last year nearly 4 million people visited the City.

Taxis are a vital component of the public transport system that provides a door-to-door service which is relied upon by a significant number of users.

For many visitors, the journey they make in one of Cambridge City's licensed vehicles will play a significant part in forming an initial perception of the City and so our licensed drivers play an important role in the future success of the City as a business and visitor destination.

Cambridge City Council is dedicated to providing the city with a top quality Private Hire Vehicle and Hackney Carriage service for its residents and visitors alike. The process for obtaining a driver's licence is therefore targeted at various aspects to ensure that the Council can be satisfied you are a "fit and proper" person to hold such a licence.

Environmental Health Manager
Cambridge City Council

Introduction & General Principles

This handbook provides details of all the current procedures in relation to Hackney Carriage and Private Hire Vehicles, Drivers licences and Operators licences.

This handbook accompanies the Hackney Carriage and Private Hire Licensing Policy which has been approved by the Licensing Committee and will be subject to periodic updating and change. Readers are recommended to use this handbook as a guide, in line with the Policy, to ensure understanding and compliance within Taxi Licensing.

Cambridge City Council is responsible for regulating Hackney Carriage and Private Hire Vehicles, the drivers of Hackney Carriages and Private Hire Vehicles and the operators of Private Hire Vehicles under the provisions of the Town Police Clauses Act 1847 and Part II of the Local Government Miscellaneous Provisions Act 1976.

In addition to this, the Council has made byelaws for regulating Hackney Carriages and each Licence that is granted (except for Licences to drive Hackney Carriages) will have standard conditions attached to it with which the Licence holder must comply.

Vehicles, drivers and operators are regulated to ensure the protection of the public and the Council is dedicated to providing a safe and secure Hackney Carriage and Private Hire service for its residents and visitors alike.

This Handbook outlines the operational procedures and processes associated with the administration of the Licences. The main aim of the document is to offer assistance to anyone involved in operating and driving Hackney Carriages and Private Hire Vehicles by setting out the processes for applying for and renewing Licences, including the testing of vehicles. Additionally, the handbook outlines the standards expected of Licence holders and the action that may be taken for breach of legislative obligation, breach of condition or for any other matter that brings in to question whether the Licence should remain in force.

The Handbook is subject to amendment by the Environmental Health Manager.

Structure

Taxi Licensing is set with the Licensing & Enforcement Team.

The service is answerable to the Licensing Committee which comprises of twelve Councillors who consider licensing policies in relation to the grant, suspension or revocation of licences for the provision of Hackney Carriage or Private Hire Drivers and Vehicles and Private Hire Operators.

Equal Opportunities

Cambridge City Council is committed to equality of opportunity and aims to ensure that no applicant receives more or less favourable treatment on the grounds of gender or gender reassignment; race and ethnicity; disability; sexual orientation; age; religion/belief; pregnancy and maternity; or marriage and civil partnership.

Cambridge City Council believes in the dignity of all people and their right to respect and equality of opportunity. We value the strength that comes with difference and the positive contribution that diversity brings to our city.

National Fraud Initiative

Cambridge City Council is under a duty to protect the public funds it administers and to this end may use the information you provide on the application form for the prevention and/or detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Safeguarding

Cambridge City Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

We have rigorous procedures and checks in place for all to adhere to. As the Licensing Authority we have a duty to ensure that all licence holders are 'fit and proper'.

In addition to this we want to promote a safe culture, increase our safeguarding approach and promote good practice to protect children and vulnerable adults from harm.

Full details on Safeguarding can be found further on in the Handbook.

Customer Care

Cambridge City Council is committed to providing a high standard of service and we strive to get it right first time, every time.

We expect all licensees to display the utmost care and consideration in all their dealings with members of the public. Further details on the standards expected can be found further on in the Handbook.

Compliments, Complaints and Suggestions

We like to know when things go right, but we also want to know when things wrong.

The Licensing and Enforcement team encourage feedback on any areas within Licensing and welcome suggestions.

If you are unfortunate enough to have cause for complaint about a Cambridge City licence holder; you may choose to take up your complaint with the driver or private hire operator directly.

Alternatively you can take note of the driver's name and badge number, the vehicle plate number and/ or the vehicle registration number and contact the Licensing & Enforcement Team with the details of your complaint (taxi@cambridge.gov.uk).

Some complaints are about poor customer service and we encourage Taxi Associations and Private Hire Operators to investigate and resolve the problem, which they do on a large number of occasions.

The Licensing & Enforcement team operates under Licensing Law and can investigate complaints by passengers concerning drivers, vehicles and operators.

What is the Council's role?

We record all complaints concerning licensed drivers, vehicles and operators, except where the complainants are unwilling to provide their contact details. It is important that if you make a complaint that you provide as much detail as possible.

What do I need to do?

Tell us what happened and when. We will need you to be able to identify the driver and/ or vehicle (e.g. the plate number, badge number or vehicle registration number). If you cannot provide these details then we will be unable to follow the matter up.

You will also need to provide your name, address and, if you would rather be contacted by telephone than by email, your telephone number.

What happens next?

In cases of misconduct the complainant may be required to make a witness statement and will be advised that formal disciplinary action may depend on them supporting their statement in person at a disciplinary hearing.

If there are two conflicting accounts of an incident and no independent witnesses then our powers are limited. In such cases, the driver may only be given words of advice on the standard of driving and behaviour expected from licensed drivers.

A record of the complaint will be retained on the driver's record and the matter will again be considered if similar complaints are received in the future that suggest that

there is a pattern to the licence holder's behaviour. A number of minor complaints in a short space of time or a similar incident occurring could lead to disciplinary action being taken.

If it is alleged that criminal offences under taxi or private hire legislation have been committed, the council will investigate the offence. A statement will usually be taken from the complainant and other relevant evidence gathered prior to the licence holder being interviewed under caution. If there is sufficient evidence to instigate legal proceedings, the complainant may be called as a witness to give evidence in court in support of the council's case.

If the council cannot enforce the offence, the complainant as detailed above will be advised to refer the matter to the police or the relevant enforcement agency. In such cases disciplinary action will usually be postponed until the police have completed their investigation and closed the incident.

This may mean waiting to see if the licence holder is convicted of the offence but, if the matter is of such a serious nature that it requires the council to take interim steps, the licence may be suspended pending the completion of the police investigation.

General

If you have already attempted to resolve the issue, without success, please contact us and we will, if necessary, carry out further investigations and refer the matter to other appropriate bodies as applicable.

We are committed to providing the City with a top quality Hackney Carriage and Private Hire service for its residents and visitors alike. We welcome feedback in any form, be it a compliment, a complaint or a comment and we encourage you to contact us if you have any queries or concerns.

Please be advised that the Licensing and Enforcement Team does not have the power to enforce:

- ❑ **Parking Infringements** (e.g. parking on double yellow lines or double parking or other highway parking issues). For parking infringements please contact Cambridgeshire County Council at info@cambridgeshire.gov.uk
- ❑ **Obstruction** (e.g. causing obstruction on the public highway including parking too near road junctions). For obstruction infringements please contact Cambridgeshire Constabulary in the first instance on 101, the non-emergency number. (If the matter is an emergency then call 999)
- ❑ **Traffic offences** (e.g. using hand-held mobile phone while driving, road rage, careless or dangerous driving). For traffic offences please contact Cambridgeshire Constabulary in the first instance on 101, the non-emergency number. (If the matter is an emergency then call 999)
- ❑ **Criminal offences** (e.g. assault, threats, harassment, theft of mobile phone,

indecenty). For criminal offences please contact Cambridgeshire Constabulary in the first instance on 101, the non-emergency number. (If the matter is an emergency then call 999)

- ❑ **Running a vehicle engine and sounding a vehicle horn when stationary** can be offences. These offences are infringements under Regulations 98 & 99 of the Road Vehicles (Construction and Use) Regulations 1986. For infringements of these regulations please contact Cambridgeshire Constabulary in the first instance on 101, the non-emergency number. (If the matter is an emergency then call 999)

- ❑ **Vehicles licensed by another local authority** (e.g. *South Cambridgeshire District Council, East Cambridgeshire District Council, Huntingdonshire District Council*) Contact the relevant local authority which has licensed these vehicles:

South Cambridgeshire District Council: <https://www.scambs.gov.uk/content/taxi-licences>

East Cambridgeshire District Council: <http://www.eastcambs.gov.uk/licensing/taxi-private-hire-licences>

Huntingdonshire District Council: <http://www.huntingdonshire.gov.uk/licensing/taxis-private-hire/>

Application Forms

This handbook contains details of the application procedures for a Vehicle, Driver and Operator Licence. Reference is made in these sections to the “relevant application form”.

The application forms are specific to the type of Licence that is to be applied for and they are available to download on the Council’s website here: <https://www.cambridge.gov.uk/taxi-licensing>

Fees and Charges

The Council is permitted to charge fees for the administration, process of, compliance associated with and some enforcement activity associated with the licensing regime.

The fees and charges for Licences will be reviewed on an annual basis. The current fees and charges are shown in Appendix F.

Online Applications

The Licensing and Enforcement Team is moving towards an online digital system for all licensing applications, including those for drivers, proprietors and operators. This will make the process more efficient and will reduce the amount of paper required and time taken.

It is anticipated that any reminders, or other general correspondence, will be communicated via email only so it is important that licence holders keep us up to date with their email contact details.

You can currently view and download taxi documentation, guidance and forms from our website: www.cambridge.gov.uk/become-a-taxi-driver

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PART 1

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

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Hackney Carriages are defined in section 38 of the Town Police Clauses Act 1847 as:

“Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street...”

Private Hire Vehicles are defined in section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976 as:

“A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers”

There are differences between the activities that Hackney Carriages and Private Hire Vehicles may carry out. These are outlined in the table below:

Type of Work/ Business/ Vehicle	Hackney Carriage	Private Hire
Picking up people from a rank	Only Hackney Carriage Vehicles can use ranks	Private Hire Vehicles <u>cannot</u> use ranks
Picking up people who flag down (hail) on the street	Only Hackney Carriage Vehicles can ply for hire, only within Cambridge City (accept a flag down/ be hailed in the street)	Private Hire Vehicles <u>cannot</u> ply for hire (accept a flag down/ be hailed in the street)
Accept pre-booked journeys from a Licensed Private Hire operator	Hackney Carriage Vehicles can accept bookings from a licensed Private Hire operator and can take bookings directly	Private Hire Vehicles <u>can only</u> accept bookings from a licensed Private Hire operator

1. Vehicle Specification for Hackney Carriages and Private Hire Vehicles

- ❑ A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old.
- ❑ A vehicle licence will not be renewed unless the vehicle is less than 9 years old.
- ❑ No vehicle will be considered acceptable for licensing as a Hackney Carriage (or Private Hire Vehicle) unless it is a category M1 type vehicle. Category M1 is defined as a vehicle designed and constructed for the carriage of passengers and comprises no more than eight seats in addition to the driver's seat.

All vehicles must comply with the Vehicle Standards as set out in Appendix G

No vehicle will be considered acceptable for licensing as a Wheelchair Hackney Carriage Vehicle or Wheelchair Accessible Private Hire Vehicle unless it has been through one of the following type approval schemes and unaltered since that time:

- (i) European Community Whole Vehicle (M1) Type Approval,
- (ii) M1 Low Volume Type Approval
- (iii) National Small Series Type Approval
- (iv) Individual Vehicle Approval

EC Whole Vehicle Type Approval (ECWVTA)

This process provides a mechanism for ensuring that vehicles meet relevant environmental, safety and security standards. Because it is not practical to test every single vehicle made, one production vehicle is tested as being representative of the 'type'. Once all of the system and component approvals are in place, the vehicle will be considered as a whole by a designated approval body; in the UK this is VCA.

A successful inspection will result in the issue of a European Whole Vehicle Type Approval Certificate. This certification will be accepted throughout the EU without the need for further testing until a standard is updated or your design changes or is altered. Once a vehicle is approved, the manufacturer should have processes in place to produce a Certificate of Conformity (CofC) for each vehicle manufactured.

Low volume Type Approval

Full EC whole vehicle type approval (ECWVTA) won't suit everyone, particularly those manufacturing vehicles in low numbers. In recognition of this fact there are a number of other approval routes available, including National Small Series Type Approval as detailed below:

a) National Small Series Type Approval

National Small Series Type Approval is a UK national scheme for low volume manufacturers who intend to sell only in the UK. The advantages of NSSTA are relaxed technical requirements for some subjects, a more pragmatic approach to the Conformity of Production (CoP) requirements, and reduction in administrative requirements. Like ECWVTA, once the design is approved, individual vehicles do not need to be tested.

b) European Small Series Type Approval

EC Small Series Type Approval (EC SSTA) has been created for low volume car (category M1) and light van / light truck (category N1) producers only. Like full European Community Whole Vehicle Type Approval (ECWVTA) EC SSTA will allow Europe wide sales but with technical and administrative requirements that are more adapted to smaller businesses.

c) Individual Vehicle Approval

Individual Vehicle Approval is a UK national scheme and the most likely route for those manufacturing or importing single vehicles or very small numbers. IVA does not require CoP as it is based on inspection of each vehicle by DVSA, although most bodybuilders and converters will work with manufacturers to ensure there is no warranty compromise

Before purchasing a vehicle for use as a wheelchair accessible vehicle you must ensure that the final vehicle build meets one of the above.

2. Vehicle Specification for Hackney Carriages only

A vehicle Licence will only be granted in respect of a Hackney Carriage if Cambridge City Council door crests are attached to both the nearside and offside front doors of the vehicle, where the door crests are a minimum of 9.5 inches in diameter if circular in size or 10 inches by 10 inches in width and height if square.

A Hackney Carriage Vehicle Licence will only be granted in respect of a “new vehicle” if it is a wheelchair accessible vehicle.

The requirements of these vehicles are:

- The vehicle shall have a minimum door height and width and internal headroom equal to or larger than a London Taxi International FX4 Fairway Taxi. (These measurements are door width 680mm: door height 1270mm and inside height floor to roof 1320mm:)
- Any aisle / gangway in such a vehicle should measure at least as wide as the minimum seat measurements.
- That they are capable of loading from the nearside.

3. Vehicle Specification for Private Hire Vehicles only

The Council cannot licence a vehicle as a Private Hire Vehicle if it is of an appearance or design that is considered likely to lead the public to think that it is a Hackney Carriage. TXI's (London type taxi cabs) or other purpose built vehicles will therefore not be licensed as Private Hire Vehicles.

All Private Hire Vehicles must have displayed on their door sign in 1" lettering the words: **'Private Hire Vehicle – Pre Booked Only'**.

4. Application Procedure

The stages in applying for a Hackney Carriage or Private Hire Vehicle Licence are set out in Appendix I.

Please note:

If a Vehicle Licence is in force when the vehicle is tested and it fails the test, the Licence will be suspended.

The vehicle cannot be used again for Hackney Carriage or Private Hire purposes until either a test has been passed and the suspension has been lifted or where the Licence expires following the suspension, until a new Licence is issued.

If you fail to attend a vehicle test, or if the vehicle fails to keep an appointment for a test, and if less than 24 hours' notice is given, the fee will be forfeited.

5. Limitation of Hackney Carriage Vehicles

The City Council has limited the number of Hackney Carriage licences which it will issue to 321, which was the number issued by Committee on 26th January 2015, the date on which the limit was set.

The decision followed a demand survey in which 936 members of the taxi trade were consulted.

The decision means that no further licences will be issued until vacancies occur, as a result of licences being surrendered or revoked.

A system of Expressions of Interest has been set up, in order to manage the potential demand for licences should vacancies occur. However as the number of expressions received has been significant, the list has been closed, and expressions received after 1st May 2015 will not be registered.

Further details can be found within the Hackney Carriage Vehicle Licence Expressions of Interest guidance procedure: www.cambridge.gov.uk/become-a-taxi-driver

There are no powers for the City Council to limit the number of Private Hire Vehicles.

6. Renewal of Licences

Vehicle Licences will generally be issued for 1 year.

The application procedure is as outlined in appendix I.

The responsibility for applying to renew a Licence rests solely with the Licence holder.

Prior to the expiry of a Licence, the Proprietor must make arrangements to commence the renewal process should they wish to do so.

7. Testing of Vehicles

The Council requires that all licensed vehicles are tested at least twice a year. The first test must be carried out prior to the grant of the Licence (when a Certificate of Compliance will be issued for 6 months) and the second test must be carried out prior to the expiry of the Certificate of Compliance issued on passing the first test.

The expiry date of the Certificate of Compliance will be:

- six months minus one day from the date of the test (for the first test);
- the expiry date of the Licence period (for the second test).

For a vehicle to pass a test, it must comply with both:

- Vehicle mechanical standard and;
- Vehicle visual standard

Before the test you must ensure that your vehicle is clean inside and out. You must be aware that dirty vehicles will not be examined and the test fee will still be due.

If the vehicle fails the test you must rectify the points and make an appointment for a retest. The vehicle cannot be used without a current and valid Certificate of Compliance being in force.

Where a vehicle licence has been suspended, the Council may attach a 'Licence Suspended' sticker to the licence plate or may remove the plate from the vehicle.

A charge will be made to replace a suspended plate.

Vehicle Standards are set out in Appendix G.

8. Display of Licence Plates

For Hackney Carriage Vehicles, the Licence plate must be securely fixed to the external rear of the vehicle.

For Private Hire Vehicles, the Licence plates must be securely fixed to the external front and rear of the vehicle.

In both cases, the plates should be fixed securely in such a position so they are in a conspicuous position and easily visible by an Authorised Officer of the Council or a Police Officer. Fixing kits will be provided for this purpose.

9. Plate Exemptions (Private Hire Vehicles Only)

The plate identifying the vehicle as a Private Hire Vehicle is required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Misc. Provisions) Act 1976 shall be securely fixed to the external front and rear of the vehicle in a conspicuous position and in such manner as to be easily visible by an authorised officer of the Council, or a Police Officer.

However, Cambridge City Council's policy allows proprietors of prestige type vehicles to seek permission to waive the requirement to display plates.

The process for obtaining a plate exemption for a private hire vehicle can be found in Appendix H.

The associated documentation relating to Plate Exemption can be found online here:

<https://www.cambridge.gov.uk/exemptions-for-taxi-drivers>

10. Vehicle Licence Conditions

There are conditions attached to both Hackney Carriage and Private Hire Vehicle Licences. Once a Licence has been granted, the vehicle is deemed a licensed vehicle 24 hours a day until such time as the Licence expires or it is surrendered, suspended or revoked. Therefore the conditions attached to the Licence apply at all times and not just when the vehicle is being used for hire and reward.

The Vehicle Licence conditions can be found in Appendix B.

11. Advertising on Vehicles

Advertising on Private Hire Vehicles is not permitted in accordance with the Council's policy.

Limited advertising on Hackney Carriages is permitted subject to the prior written approval of the Council. However, it is unlikely that advertising will be approved if it contains:

- i) Political, ethnic, religious, sexual or controversial subjects
- ii) Escort agencies, gambling establishments or massage parlours
- iii) Nude or semi-nude figures
- iv) Tobacco or alcohol
- v) Anything likely to offend public taste

Further to this, the following restrictions apply to external advertising on Hackney Carriages:

- i) Advertisements must not obscure or distract attention from the Cambridge City Hackney Crest and must be placed at least 20 centimetres distance from the Crest
- ii) No advert shall be reflective
- iii) No advert shall have the potential under any circumstances to distract other road users
- iv) There shall be no advertising on any window

Internal advertising is permitted in Hackney Carriages:

- a) on the base of the lift up (tip up) seats or
- b) on media screens mounted on the glazed partition immediately behind the driver's head but no other advertising material may be placed on the glazed passenger driver partition
- c) On a media screen mounted in the front seat headrests.

The following restrictions apply to internal advertising in Hackney Carriages

- i) No media screen is permitted to have accompanying sound.
- ii) All paper-based advertisements must be encapsulated in clear non-flammable plastic.
- iii) Advertisements must be of such form as not to become easily soiled or detached.
- i) No advertisement will be permitted which impedes the vision of the driver or passenger.
- ii) Advertising material must not interfere with any equipment normally fitted to the taxi
- iii) The equipment should not be used to the annoyance of any passenger and shall be switched off if requested.

In order to apply for approval of the Council for advertising you must submit the following information to the Licensing & Enforcement Team:

1. The vehicle registration number
2. The vehicle licence number
3. Full details of all proprietors
4. Details of the design and wording (with picture examples if possible)
5. Details of the duration of the advertisement

This information should be emailed to taxi@cambridge.gov.uk for consideration and will be considered by the Licensing & Enforcement Team as soon as is reasonably possible.

Any details relating to advertising on vehicles will be retained on file.

12. Vehicle Incidents

In the event that a vehicle is involved in a collision or incident the Council must be notified as soon as is reasonably practicable and definitely within 72 hours.

Further guidance on what to do and how can be found at Appendix L.

13. Replacement Vehicles

The replacement vehicle procedure can be found at Appendix M.

14. Spare Wheels

Spare wheels or space saving wheels should only be used with the understanding that the journey is finished and then a replacement wheel is obtained and fitted to the vehicle at the first opportunity.

15. Vehicle Unfit for the Conveyance of Passengers

An authorised officer of the Council or any constable may at any reasonable time inspect and test any hackney carriage or private hire vehicle licensed by the Authority or the taximeter affixed to such vehicle for the purpose of ascertaining its fitness. If the authorised officer is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter, the officer may give notice in writing to require the proprietor of the vehicle to make the vehicle available for further inspection and testing at such reasonable time and place as specified in the notice, and suspend the licence until such time as the officer is satisfied that the vehicle or meter is again fit for purpose.

The suspension notice will remain in place until such time as the Officer issuing the notice is satisfied that the grounds for suspension have been satisfactorily resolved. Written confirmation of the lifting of the suspension notice will be given.

If the Authorised Officer or constable who issued the suspension notice is not satisfied as to the fitness of the vehicle or its taximeter before the expiration of a period of two months, the licence will, by virtue of the provisions of section 68, be deemed to have been revoked.

Where a licence is deemed to be revoked, the Licensing Authority will write to the proprietor of the vehicle giving notice of the grounds on which the licence has been revoked within 14 days of the deemed revocation. The proprietor may appeal to the Magistrates' Court.

PART 2

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

DRAFT

It is an offence to drive a licensed Hackney Carriage or Private Hire Vehicle unless the same Local Authority that licensed the vehicle has licensed the driver to drive that type of vehicle. In order to obtain a Hackney Carriage or Private Hire Driver Licence, you must complete all licensing procedures. If you wish to drive both Hackney Carriage and Private Hire Vehicles then you will need to hold a Driver Licence for both types of vehicle.

The Council will only grant a Licence if it is satisfied that the applicant is a “fit and proper” person.

However, the Council cannot grant a Licence to drive Hackney Carriages or Private Hire Vehicles unless the applicant has held a full UK (United Kingdom) or EC/EEA (European Community/ European Economic Area) Driving Licence for **AT LEAST** one year.

Before applying for a licence, you should carefully read the Council’s licensing byelaws (Appendix A) and conditions (Appendix B) and satisfy yourself that you will be able to comply with these conditions at all times. Failure to comply with these conditions may result in your licence being suspended or revoked and in certain circumstances, could lead to prosecution.

You are also advised to read the Grounds for Disbarment which can be found in Appendix D.

16. Application Procedure for First Time Applicants

The stages in applying for a Hackney Carriage, Private Hire or Dual Driver Licence for the first time are set down in the guidance for new applicants at Appendix J.

On submission of a complete application, the application will be determined as follows:

- i. Provided that the applicant doesn’t fall within the ground for disbarment as detailed in Appendix D, they will be deemed a ‘fit and proper’ person and the Licence will be granted for a period of either 1 year (in the case of all new applicants) or 3 years depending on the application.
- ii. If the applicant falls within the grounds for disbarment the application will be referred for consideration by Cambridge City Council’s Licensing Committee (see ‘Hackney Carriage and Private Hire Enforcement Management System’ in Appendix D).

17. Renewal of Licences

A Hackney Carriage, Private Hire or Dual Driver Licence will be issued to a first-time applicant for a maximum period of 1 year. The Licence may be subsequently renewed for a period of 1 year or for 3 years.

There are exceptions when an individual may not be permitted to hold a 3 year licence. Examples of this include where there set time restrictions on an individual’s right to

remain in the UK or time restrictions on the DVLA licence. Each case will be assessed individually.

The procedure for renewing a Driver Licence can be found at Appendix N.

On renewing a Licence, a DBS Check is required every third year for annual Licences (See 'Disclosure & Barring Service (DBS) / Certificate of Good Conduct' below). If an applicant is applying for a 3 year Licence, a DBS Check will be required prior to the 3 year Licence being granted. This may mean that when applying for a 3 year Licence on expiry of a 1 year Licence, the interval between successive DBS Checks is less than 3 years but this will be necessary to ensure that the time interval between successive DBS Check does not exceed 3 years.

Additionally, it may be necessary for the applicant to submit a satisfactory medical certificate on applying to renew a Licence (See 'Medical Reports' section).

In cases where a DBS Check is required, the application must be made a minimum of 8 weeks prior to the expiry of the Licence to ensure that the DBS Check is returned to the applicant and brought in for sign off by the Licensing Team. This will allow for the Licence to be issued prior to the expiry date of the Licence. If an appointment is not made 8 weeks prior to the expiry of the Licence, the new Licence will not be issued until the DBS is returned and signed off by the Licensing Team.

For the submission of an application to renew a Licence where a DBS Check is not required, an appointment must be made to see an Officer of the Customer Service Centre and, as long as all elements of the renewal application are complete, the licence and badge will be produced during the appointment.

In addition:

On submission of a complete application, the application will be determined as follows:

- i) Provided that the applicant doesn't fall within Level 3 of the Enforcement Management System as detailed in Appendix D, they will be deemed a 'fit and proper' person and the Licence will be granted for a period of either 1 year or 3 years depending on the application.
- ii) If the applicant falls within the grounds for disbarment the application will be referred for consideration in accordance with the Scheme of Delegation as set down in the Hackney Carriage and Private Hire Licensing Policy.

18. Knowledge Test

All new applicants for a driver licence must undertake and pass a Knowledge Test prior to completing the application process.

The process for becoming a Taxi Driver can be found at Appendix J.

The test is administered electronically and the applicant will undertake the test under

supervision using a computer. The test is divided into the following areas:

1. General
2. Points of Interest
3. Numeracy
4. Conditions & Policy
5. Highway Code
6. Signage
7. Shortest Routes

An applicant may take a maximum of four attempts at passing the test. Each time the applicant applies to sit a test; they must pay the current fee (See Appendix F).

If the applicant fails four tests, their application will be rejected and they are recommended to wait to reapply for a period of 6 months from the date of their last attempt at passing the test.

If after a year from your Knowledge Test Registration you have not passed the Knowledge Test your details will be removed from our system.

Further details on the Knowledge Test can be found at Appendix K.

19. Driver and Vehicle Licensing Agency (DVLA) Checks

The Council requires new and renewal applicants to provide access to records held by the DVLA, including eligibility to drive and endorsements for road traffic offences in order that consideration can be given as to whether an applicant or existing licence holder is a fit and proper person to be licensed.

The Council checks that the information which has been submitted by the applicant matches up with information held by the DVLA and in completing the necessary application or renewal work, individuals give permission for this to take place. There is a set fee for this service.

20. Eligibility to Live and Work in the UK

If an individual is not a UK or EEA national then they will need to obtain permission to live and work in the UK.

Individuals may have a permanent or temporary right to live and work in the UK. Licences will not be issued for a period any longer than the length of an individual's permission to live and work in the UK.

Applicants must provide evidence that they are eligible to live and work in the UK (Immigration, Asylum and Nationality Act 2006). If eligibility is only given for a limited time period, the applicant will be required to provide evidence on their eligibility to live and work in the UK when applying to renew a Licence.

21. DBS (Disclosure & Barring Service) Check / Certificate of Good Conduct

An **Enhanced DBS Check** (DBS) will be sought on first application for a driver's licence and every three years thereafter. DBS checks from other sources cannot be accepted. All applicants for Driver Licences will need to apply for a DBS Check through Cambridge City Council.

For individuals who are applying for, or renewing, a Proprietor or Operator Licence and are not already licensed as a driver with Cambridge City Council, an Enhanced DBS check will need to be obtained upon application and presented as part of the application documentation. A renewal of the DBS will need to be completed every three years.

Additionally, any applicant who has lived abroad for any time in the five-year period immediately prior to applying for a Licence is required to provide a **Certificate of Good Conduct** authenticated and translated by the relevant embassy. This is used to determine whether an applicant is a 'fit and proper' person to hold a Driver Licence.

The Disclosure & Barring Service (DBS) is an Executive Agency of the Home Office and exists to assist organisations wanting to access police and other relevant information pertaining to an individual's criminal record.

Cambridge City Council is registered with the Disclosure and Barring Service (DBS) to carry out Criminal Record Checks. A Criminal Records Check is used to assess an applicants' suitability for the role of either a Driver, Proprietor or Operator. These particular roles are exempt from the provisions of the Rehabilitation of Offenders Act.

For posts that involve working with children, young people and vulnerable adults, which are exempt, all convictions, cautions, reprimands or final warnings which would appear on a DBS certificate (see below) should be disclosed, whether 'spent' or 'unspent'.

Therefore, in the boxes provided on the application form applicants must list/declare Convictions, Police Cautions, Warnings and Reprimands for offences including Traffic Offences and Fixed Penalty Endorsements.

It is essential that all relevant information is declared at the time of application or renewal. Failure to do so could have an impact on the issue of a licence and could potentially result in the suspension or revocation of a licence.

Following a DBS application being made, the DBS Disclosure Certificate is sent to the applicant and as part of the application process, they are required to present the original certificate to the Licensing Authority.

Some Police National Computer information will now be filtered and will not appear on the certificate. Cautions and convictions filtered out are set out in legislation. The legislation states that a certificate must include the following:

- Cautions relating to an offence from a list agreed by Parliament– see below
- Cautions given less than 6 years ago (where individual over 18 at the time of caution)
- Cautions given less than 2 years ago (where individual under 18 at the time of caution)
- Convictions relating to an offence from a prescribed list - see below
- Where the individual has more than one conviction all convictions will be included on the certificate (no conviction will be filtered)
- Convictions that resulted in a custodial sentence (regardless of whether served)
- Convictions given less than 11 years ago (where individual over 18 at the time of conviction)
- Convictions given less than 5.5 years ago (where individual under 18 at the time of conviction)

The list includes a range of offences which are serious and which relate to sexual offending, violent offending and/or safeguarding. It would never be appropriate to filter offences on this list. A list of offences which will never be filtered has been derived from the legislation and is available at the following link:

www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check

This is not the complete list as the legislation also extends to cover similar offences committed under the law of Scotland and Northern Ireland or under laws relevant to the armed services.

Enhanced DBS certificates - will include details of convictions and cautions (including youth cautions, reprimands and warnings) recorded on the Police National Computer (PNC).

In addition to information from the PNC, an Enhanced certificate may also include information taken from police records that a chief officer of a police force considers relevant to the application and/or details of whether an individual is included on one or both of our two lists barring people from working with children and/or vulnerable adults.

This information, along with the other aspects of the application process, will be used to ensure that Cambridge City Council can be satisfied that you are a “fit and proper” person to hold a hackney carriage, private hire or dual driver licence.

22. DBS (Disclosure & Barring Service) Update Service

Cambridge City Council would strongly recommend that licence holders sign up to the DBS Update Service. Not only does it save individuals time and money, it has the potential to remove the possibility of you being unable to work if there are delays in the return of your DBS certificate.

What is the DBS Update Service?

For an annual subscription fee you can have your DBS Certificate kept up-to-date and take it with you from role to role, within the same workforce, where the same type of level and check is required.

By subscribing to the update service you will save yourself time and money

depending upon how many DBS checks you have required in the past.

How do you access the Update Service?

You can subscribe to the Update Service online at www.gov.uk/dbs-update-service

You can register online as soon as you have your application form reference number (you can ask for the number when you apply for your DBS check).

Alternatively, you can wait and register with your DBS certificate number when you receive your DBS certificate. If so, you must do so within 19 days of the certificate being issued.

What are the benefits of joining the Update Service?

- Saves you time and money. You pay an annual fee rather than a higher fee for each DBS check every 3 years. Also as your DBS status can be checked instantly, you no longer need to wait for the certificate to be returned. This could potentially remove the chances of your licence expiring and not being able to work.
- One DBS certificate is all you may ever need.
- Take your DBS certificate from role to role within the same workforce.
- You are in control of your DBS certificate.

What else you need to know

Make a note of your unique ID. It will begin with the letter C and is followed with 10 randomly selected numbers. This number will allow you to access your account, view your certificates and make any changes to your contact details.

Keep the original DBS certificate used to sign up to the Update Service in a safe and secure place. The certificate number found on the top right-hand side of the certificate will be needed by Cambridge City Council when checking your DBS status. The original certificate will also need to be seen at your renewal appointment.

It is your responsibility to keep your subscription to the Update Service current and inform them of any changes in your circumstances. If your subscription has lapsed or there have been changes to the information on your certificate, you will need to complete a new DBS application at the time of your renewal.

Individuals will be asked, as part of the application form, to give their consent for Cambridge City Council to use their current DBS certificate to carry out an online check to see if any new information has come to light since its issue.

23. Driving Skills Assessment

As part of the new driver application process, an applicant must have passed the Driver and Vehicle Standards Agency (DVSA) Test and produced a current and valid DVSA Test Certificate. (**TEST TYPE:** Hackney saloon vehicles and private hire saloon vehicles test).

The tests are carried out by the Driver and Vehicle Standards Agency and a fee is payable directly to them for this. You will need to contact the DVSA for the current fees.

For more information please visit www.gov.uk/dvsa-taxi-driving-test

To book a test, please contact the DVSA on 0300 200 1122 or visit www.gov.uk/book-practical-driving-test to arrange this. You will need to provide your own car for this test.

Please note that the DVSA test certificate will only be accepted if it is dated within 12 months of the completion of ALL stages of the application process.

24. Medical Reports

The Council requires that all drivers meet Group II medical standards as recommended by the Medical Commissioners on Accident Prevention. A guide for medical practitioners on the current medical standards of fitness to drive is issued by the DVLA and can be accessed on the Department for Transport's website (www.dft.gov.uk)

Applicants can either do this with their own GP or, if their GP is unable to undertake the assessment, with the Council's approved medical practice for a medical examination. Currently there are two medical practices approved by Cambridge City Council:

- Huntingdon Road Surgery tel: 01223 364127
- Bridge Street Medical Centre tel: 01223 652671

The practitioner carrying out the Medical Examination is required to complete and sign a Medical Certificate Form to state whether they declare the individual fit or unfit to drive a Hackney Carriage and/ or Private Hire Vehicle.

Once completed the original form and certificate is then submitted to the Licensing Office as part of the new driver or renewal driver application process.

It is the applicants responsibility to:

- Book an appointment for a Group II Medical Assessment with your GP or with a Doctor at the City Council's approved practice.
- Take a blank copy of the Group II Medical Assessment Report Form to the GP/ Approved Practice for completion.

- After the assessment, submit the completed original Medical Assessment Report Form to the Licensing Office as soon as possible.

A copy of the Group II Medical Assessment Report Form can be downloaded from our website www.cambridge.gov.uk/become-a-taxi-driver .

- ❑ **Medicals are required for all new applicants (including holders of PSV and/ or HGV licences), but the certificate must not be dated more than 1 month prior to the completion of all stages of the application process.**
- ❑ **After the initial medical, medicals are then required every five years at each of the following birthdays: 25, 30, 35, 40, 45, 50, 55 and 60.**
- ❑ **Once a driver has reached the age of 60 a medical will be required annually**
- ❑ **For Holders of current PSV and/or HGV licences we will however accept HGV/PSV entitlement in lieu of a medical at ages 45, 50, 55 and 60.**
- ❑ **If, once licensed, a drivers medical circumstances change during the period which the licence is held, the driver must notify the Licensing Authority within 7 days. Each case will be assessed on its own merits and additional medicals may be required in some instances if required.**

It is the applicant's responsibility to pay all of the expenses that they incur in satisfying the medical criteria, which may include the cost of undertaking an exercise or other form of test to ascertain fitness to drive. The necessity to undertake any form of testing will be determined by the medical practitioner in line with the DVLA's guidelines.

In the case of renewal applications, please note the following:

- a) If a medical is required and you are requesting a 1 year licence, the medical must be provided at the renewal appointment.
- b) If a medical is required and you are requesting a 3 year licence, the medical must be provided to the Licensing Team no later than 14 days after the date the medical is due.

FAILURE TO PROVIDE AN UP TO DATE MEDICAL ASSESSMENT CERTIFICATE COULD RESULT IN THE SUSPENSION OR REVOCATION OF YOUR LICENCE.

Licence holders and applicants must consider the medical conditions listed below as the Licensing Authority may refuse to grant an application or revoke an existing licence where an applicant has any of the listed conditions:

<p>Epilepsy or liability to epileptic attacks</p>	<p>A diagnosis of epilepsy or spontaneous epileptic attack(s) requires 10 years free of further epileptic attack without taking anti-epilepsy medication during that 10-year period.</p> <p>For conditions that cause an increased liability to epileptic attacks, the risk of attacks must fall to that of the general population.</p> <p>The DVLA must refuse or revoke the licence if these conditions cannot be met.</p>
<p>Diabetes</p>	<p>Insulin treated diabetics may be licensed subject to strict criteria and a medical test for C1 vehicle usage. The following criteria must be met in order that a licence can be granted:</p> <ul style="list-style-type: none"> a) No application for a licence or, in the case of an existing licensed driver, no licence vehicle may be driven until their condition has been stable for a period of at least one month b) Drivers must not have had any hypoglycaemic attacks requiring assistance whilst driving within the previous twelve months c) Drivers must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. d) Drivers must arrange to be examined every 12 months by a hospital consultant who specialised in diabetes. At the examination the consultant will require sight of their blood glucose levels for the last 3 months e) Drivers must have no other medical condition which would render the driver a danger when driving C1 vehicles or hackney carriage/ private hire vehicles f) Drivers must sign an undertaking to comply with the directions of the doctor(s) or specialist medical advisor visited at least every six months and treating the diabetes and report immediately to Cambridge City Council any significant change in their condition g) A medical checklist should be completed by specialist medical advisor and submitted to the licensing team annually

Eyesight

All applicants, for any category of vehicle, must be able to read in good light with glasses or corrective lenses if necessary, a number plate at 20.5 metres (67 feet) or 20 metres (65 feet) where narrower characters are displayed (50mm wide).

The characters on all new and replacement number plates manufactured from September 2001 are 50mm in width instead of 57mm.

Applicants for medium/large goods vehicles or passenger carrying vehicle entitlements must by law have:

- A visual acuity of at least 6/9 in the better eye; and
- A visual acuity of at least 6/12 in the worse eye; and
- If these are achieved by correction, the uncorrected visual acuity in each eye must be no less than 3/60.

An applicant who held a licence before 1 January 1997 and who has an uncorrected acuity of less than 6/30 in only one eye may be able to meet the required standard and should check with Drivers Medical Group, DVLA about the requirement.

An applicant who has held an LGV/PCV (formerly HGV/PSV) licence before 1 March 1992 but who does not meet the standard above may still qualify for a licence.

Information about the standard and other requirements can be obtained from the DVLA.

Normal binocular field

The 2nd E.C. Directive requires a normal binocular field of vision for Group 2 drivers.

Monocular vision

Drivers who have monocular vision are barred in law from holding C, C1 (12 tonnes combined), D or D1 entitlements. The only exceptions are those drivers whose C or D entitlements had been issued prior to 1/1/91 in the knowledge of monocularity and were still in force 1/4/91 or drivers who passed a C1 test prior to 1/1/97.

A minimum acuity of 6/12 is required if licensed on 1/1/1983 and 6/9 if since. A certificate of recent driving experience will also be required. DVLA will send this certificate to you for completion on receipt of a valid application.

Drivers whose best vision in one eye has deteriorated since the previous application to less than 3/10 will be considered functionally monocular and a Group 2 licence will be refused.

Uncontrolled symptoms of double vision

Uncontrolled symptoms of double vision preclude licensing. As monocularity is a bar, the treatment of double vision with a patch is not acceptable for Group 2 driving.

An applicant who is in doubt about the required eyesight standard should check with the DVLA.

Other Medical Conditions

In addition to those medical conditions covered by law, applicants (or licence holders) are likely to be refused if they are unable to meet the recommended medical guidelines in the following situations:

- Within 6 weeks of: myocardial infarction, and episode of unstable angina, CABG or coronary angioplasty.
- Angina, heart failure or cardiac arrhythmia that remains uncontrolled.
- Implanted cardiac defibrillator.
- Hypertension where blood pressure is persistently 180 systolic or more and/or 100 diastolic or more.
- A stroke or TIA within the last 12 months.
- Unexplained loss of consciousness with liability to recurrence.
- Meniere's, or any other sudden and disabling vertigo within the past 1 year, with a liability to recurrence.
- Insuperable difficulty in communicating by telephone in an emergency.
- Major brain surgery and/or recent severe head injury with serious continuing after effects.
- Parkinson's disease, multiple sclerosis or other chronic neurological disorders with symptoms likely to affect safe driving.
- Psychotic illness, within the past 3 years.
- Serious psychiatric illness.
- If major psychotropic or neuroleptic medication is being taken.
- Alcohol and/or drug misuse within the past 1 year or alcohol and/or drug dependency in the past 3 years.
- Dementia
- Any malignant condition, within the last 2 years, with a significant liability to metastasise (spread) to the brain.
- Any other serious medical condition likely to affect the safe driving of a passenger carrying vehicle.

You must tell DVLA if you have a driving licence and:

- you develop a 'notifiable' medical condition or disability
- a condition or disability has got worse since you got your licence

Notifiable conditions are anything that could affect your ability to drive safely. They can include:

- epilepsy
- strokes
- other neurological and mental health conditions
- physical disabilities
- visual impairments

You could be fined up to £1,000 if you don't tell DVLA about a condition that might affect your ability to drive safely. You could also be prosecuted if you have an accident.

25. Mid-Year Medicals

Not all medicals will fall in line with licence renewal dates.

All drivers will be aware of when their next medical is due as this information is printed on their Hackney Carriage, Private Hire or Dual Driver licence.

It is the drivers' responsibility to:

- Book an appointment for a Group II Medical Assessment with their GP or with a Doctor at the City Council's approved practice.
- Take a blank copy of the Group II Medical Assessment Report Form to the GP/ Approved Practice for completion.
- After the assessment, submit the completed original Medical Assessment Report Form to the Licensing Office as soon as possible.

All information will be treated in the strictest confidence and in accordance with our registration with the Data Protection Commissioner.

A copy of the Group II Medical Assessment Report Form can be downloaded from our website here: <https://www.cambridge.gov.uk/become-a-taxi-driver> .

Where a medical is due for a driver who holds a 1 year City Council licence, they will be required to submit this at the time of their renewal. Where a medical is due for a driver who holds a 3 year City Council licence (mid licence), they will be required to submit the medical certificate no later than 14 days after the date which it becomes due.

If a driver is found to be in breach of City Council Policy by failing to provide a valid medical assessment certificate, this could lead to Licensing Sub Committee considering the fitness of a driver which could potentially then lead to the suspension or revocation of their City Council driver licence.

26. Driver Licence Exemptions

The Equality Act 2010 places responsibility on service providers to make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

In some circumstances a driver of a Hackney Carriage or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, short or long term.

Full Details on Driver Licence Exemptions can be found at Appendix O.

27. Training for Drivers

Cambridge City Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

Safeguarding is the process of protecting children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect, and physical, emotional and sexual abuse.

All new hackney carriage, private hire and dual driver, proprietor and operator applicants must attend and pass the mandatory safeguarding training before submitting an application. Further guidance can be found the Hackney Carriage and Private Hire Handbook.

A mandatory refresher of the training will need to be undertaken by all licence holders every three years.

In order to cover a wide range of areas and objectives, Cambridge City Council has designed and delivers "Customer Awareness, Safeguarding, and Equality & Protection Training" for all licence holders.

Drivers should also seek to independently undertake training in the use of wheelchairs, relevant belts and other restraint locking mechanisms.

28. Equality and Diversity Monitoring

Cambridge City Council would like to encourage all of our applicants to complete the equal opportunities monitoring form with their application so that we can assess our performance.

We are committed to being representative of the customer base that we serve, to help us achieve this, we need to have a clear picture of who are customers are.

Equalities monitoring therefore enables us to examine the make-up of the customer

base and analyse how practices and procedures affect different groups, address any inequalities and ensure compliance with legislative requirements.

The monitoring information which we collect will enable us to ensure that our licensing procedures are as fair and accessible as possible. Data will be analysed to spot trends and remove barriers or target areas where our policies and practices can be improved to boost equal opportunity.

If you are concerned about how your data will be stored, accessed or shared, be reassured that it will be kept confidential at all times and in accordance with the Data Protection Act 1998. It will not be accessible to anyone outside of the designated authorised personnel and will be used to monitor the effectiveness of our policies so that we can improve where required. This information will be used for statistical purposes only and you will not be identified in any way.

The monitoring information will be kept separately from any identifying personal information therefore it will be hard to identify you individually from the data which you provide. Any findings published will only ever be anonymised and aggregated.

Only you and designated employees within the licensing and enforcement team will be able to access the data for updating or analysis. The monitoring information you supply will be processed in compliance with the Data Protection Act 1998.

Completing equality monitoring data is not compulsory however; we would encourage you to complete it.

Although you are not obliged to answer every question, by doing so, it helps to ensure that best practice and equal opportunities are upheld and allows for any barriers to diversity to be highlighted.

29. Safety of Drivers

In addition to having a responsibility for the safeguarding of your passengers, keeping yourself safe is also vitally important.

As a taxi driver you are dealing with strangers, often in isolated environments and carrying money. Taking people off the streets or from ranks with no knowledge of their details means that if they cause trouble you are especially vulnerable. If you work at night you are likely to have to deal with people who have drunk too much alcohol. All this means you may be at the risk of violence.

The following points are things that you can do to help you stay safe:

- ❑ If you can, drop off money during your shift so that you carry as little in your car as you can. If can't, keep your cash hidden from view in a secure box.
- ❑ Installing CCTV cameras has been shown to lead to reduced threats and violence against drivers. Signs in the vehicle can highlight the presence of CCTV to passengers. They can be useful if there is a dispute with a passenger as it is not just your word against theirs.

- ❑ Carry with you an explanation of the fare structure so that you can explain it to a passenger who may feel that you are over-charging them.
- ❑ Use your radio to tell your controller where you are going and inform them of any changes along the way.
- ❑ Have a pre-arranged code word that you can use if a passenger becomes threatening so that you can call for help without making the passenger suspicious.
- ❑ You know that working at night carries most risk of violence, especially as many passengers will have been drinking. Make sure you are not tired as you need to be alert at all times.
- ❑ Trust your instincts as you have the right to refuse a passenger if you think they may present a risk.
- ❑ If you have a saloon car, control passenger access to the front. Only open the windows enough to speak to people without them being able to reach in. Only allow them to sit in the front if you wish.
- ❑ Communication with the passenger is important. Be polite and pleasant.
- ❑ Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger. It also gives them the message that you could identify them.
- ❑ Do not volunteer personal information to passengers. You should not mention what time you are finishing a shift or going home.
- ❑ Explain the route you plan to take if you are going a long way round (for example in order to avoid road works) so as to prevent a dispute over the fare.
- ❑ If you feel threatened, try to stay calm. Take slow, deep breaths.
- ❑ Be aware of your own actions and how they may be seen.
- ❑ Don't offer confrontation, refuse to get into an argument, remain passive and try to not shout back.
- ❑ Do no attempt to run after a passenger who owes you their fare. Your safety is more important than the money.
- ❑ If you are attacked, use your horn and lights to attract attention. Contact your control room or call 999 to get help.
- ❑ Report all violent incidents to the Police.

PART 3

PRIVATE HIRE OPERATORS

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Anyone who in the course of business makes provision for the invitation or acceptance of a booking for a private hire journey is regarded as an Operator and he/ she must hold an Operator's Licence, unless he/ she is covered by an exemption within the 1976 Act.

This means that any individual, group or company which offers or advertises the services of a vehicle with less than 9 passenger seats and a driver for hire and reward is an Operator.

Anyone who makes provision that would enable him to accept bookings for a private hire journey are required to hold an Operator's Licence.

All three Licences (vehicle, driver and operator) MUST be issued by the same Authority.

30. Application Procedure

All proprietors, part owners or other persons with an interest in an Operator's Licence are required to show that they are fit and proper persons to hold such a licence.

Full details on the new and renewal Operator licence procedure can be found at Appendix P.

PART 4

GENERAL

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31. Changes in Circumstances

All Licence holders must inform the Council of any changes in circumstances such as change of address, change of contact number, convictions, change of medical condition or changes to DVLA licence, **as soon possible but not more than 7 days after any such change.**

Failure to update the Licensing Authority on changes in circumstances could have an impact on your licence. For ease of reference, please see the list below. Please note that this list is not exhaustive:

Notification	When
Change of address	Within 7 days
Change of name	Within 7 days
Loss of Driver Badge	Within 7 days*
Loss of Vehicle Plate	As soon as possible*
Loss of paper licence	Within 7 days
Accident Damage	Within 72 hours
Change in medical circumstances	Within 7 days

Please note that where a loss of badge, plate or licence has occurred the Police also need to be informed and an Incident Number obtained so that we can retain this on our records.

* You **MUST** not work as a driver or use the vehicle for work without a licence plate or badge before any replacement(s) are issued.

In order to update the Council on any change of circumstances please email taxi@cambridge.gov.uk

Please note that the fees for replacement items or some change of information details can be found in Appendix F.

32. Fares

Hackney Carriage Fares, set by the Council, are the maximum fare that may be charged by a Hackney Carriage within the Council's district. The Council considers it good practice to review the fare scales at annual intervals and will consult in accordance with the statutory procedures set out in the Local Government (Miscellaneous Provisions) Act 1976.

A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Out of District journeys can be negotiated prior to the commencement of the journey in both Private Hire Vehicles and Hackney Carriages.

Private Hire Operators may set their own fares but if a meter is used the fare chart must be displayed in each vehicle so that it is easily visible to all hirers.

33. Passengers

The driver of a licensed vehicle shall not convey or permit to be conveyed in a licensed vehicle a greater number of persons than that prescribed in the licence for the vehicle.

The driver shall at all times comply with the latest legislation regarding the use of seat belts and restraints by all passengers including children and young persons.

34. Seat Belts

Drivers should advise all passengers of the need to wear a seatbelt. Any passenger who fails to wear a seatbelt commits an offence. If the passenger is over 14 years of age the passenger commits the offence, but any passenger under 14 years old is the responsibility of the driver and the driver commits the offence.

Drivers – under the requirements of the Motor Vehicles (Wearing of Seatbelts) Regulations 1993 the driver of a licensed vehicle is not required to wear a seatbelt in the following circumstances:

- **Hackney Carriage Vehicles** – whilst the vehicle is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire.
- **Private Hire Vehicles** – whilst the vehicle is being used to carry a passenger for hire.

The following diagram outlines the responsibilities of individuals riding in vehicles:

	FRONT SEAT	REAR SEAT	WHO IS RESPONSIBLE
Driver	Seat belt must be worn if fitted		Driver
Child under 3 years of age	Correct child restraint must be used	Correct child restraint must be used. If one is not available in a Hackney Carriage, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135 cm in height (12th birthday, whichever they reach first)	No child under 10 may be carried in the front seat beside the driver.	Correct child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if correct child restraint is not available <ul style="list-style-type: none"> - in a Hackney Carriage Vehicle - for a short distance in an unexpected necessity; - if two occupied child restraints prevent fitting a third. 	Driver
Child 12 or 13, or over 135cms in height	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Driver
Adult Passengers	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

35. Animals

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

Assistance dogs accompanied by their owners shall be carried free of charge. All vehicles and drivers must comply with the requirements of the Equality Act 2010.

The driver shall not convey in any licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle. Any animal belonging to or in the custody of a passenger may be conveyed in a vehicle at the discretion of the driver. The driver shall ensure that the animal is adequately restrained and kept in such a position so as not to distract the driver or otherwise be a cause of danger or nuisance.

36. Lost Property

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

The driver shall, if any property left therein by any person who may have been conveyed in the vehicle be found by or handed to him, carry it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner to the Operator or to the Licensing Authority for retaining for a suitable time period for collection by the owner.

37. Luggage

Drivers of licensed vehicles when requested by the person hiring the vehicle shall: convey a reasonable amount of luggage;

- a) afford reasonable assistance in loading and unloading;
- b) afford reasonable assistance in removing it to or from the entrance of any building, station or any place at which he may take up or sent down such person

38. Mobile Telephones

It is illegal to drive using hand held telephones or similar devices. This includes:

- when you are stopped at traffic lights
- when you are queuing in traffic
- to receive calls, text messages, pictures or to access the internet

39. Smoking

The driver of a licensed vehicle must not smoke in the vehicle at any time, including when the vehicle is being used for social, domestic and pleasure purposes.

The driver of a licensed vehicle shall not permit any other person or fare-paying passengers to smoke in a licensed vehicle.

This also includes a ban in electronic inhaler type cigarettes and 'vaping'.

40. Receipts

The driver shall if requested by the hirer or passengers of a licensed vehicle provide a written receipt for the fare paid. This shall be in such a form as to identify the company or individual providing the receipt.

41. Driver's Badges

When granted a Licence, drivers are issued with a badge. The driver must wear the badge at all times when they are working or display it within the vehicle so that it is clearly visible at all times.

As a security measure if a badge is lost or stolen this must be reported to the police. A replacement badge will be issued, following the payment of the appropriate fee, once a Police Incident Number (PIN) is provided to the Licensing Authority. This will need to be reported to the Police as badge "lost or stolen" in order for a PIN to be issued.

The driver's badge shall at all times remain the property of Cambridge City Council and upon the Council suspending, revoking or refusing to renew this licence, the licensee shall, on demand, return the badge to the Council.

42. Driver's Licence

The driver shall at all times carry their copy of the driver's licence and shall make it available for inspection upon request.

If the driver is permitted or employed to drive a licensed vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit his licence with that proprietor for retention by him until such a time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

43. Loss of Vehicle, Driver or Operator Licence

This loss of a Licence (including driver badges or vehicle plates as appropriate) should be reported immediately to the Licensing Team. A duplicate will be issued upon receipt of the appropriate payment, along with details of the Police Incident Number.

44. Access Exceptions

In some of the roads surrounding the Cambridge historic centre there are rising bollards that control traffic in and out of the centre and these are located in the following streets:

- **Bridge Street:** Closed 24 hours a day every day
- **Emmanuel Road:** Closed 24 hours a day every day
- **King's Parade:** Closed 9am to 6pm every day
- **Regent Street:** Closed 24 hours a day every day heading towards the city centre. The other carriageway isn't restricted
- **Silver Street:** Closed both ways midnight to 6am and 10am to 4pm. Open inbound only 6am to 10am. Open outbound only 4pm to midnight
- **St John's Street:** Closed 10am to 4pm Monday to Saturday

In central Cambridge a pedestrian priority area operates 24 hours a day, 7 days a week, and access is further restricted between 10am and 4pm Monday to Saturday. Between these hours there is no access for vehicles except for emergency vehicles or drivers who have been issued with an access permit.

The access permit system is administered on behalf of Cambridgeshire County Council by Cambridge City Council and is subject to an agreed fee (as detailed in Appendix F).

When granted an access permit, the details of the vehicle licence and the proprietor is retained on file.

The granting of such access by Cambridgeshire County Council under the provisions of the various traffic orders that close roads within Cambridge Core Traffic Scheme Area is discretionary and may be withdrawn by Cambridgeshire County Council at any time.

Furthermore:

- Any equipment issued (or permission granted) for such access remains the property of Cambridgeshire County Council and is not transferable.
- Cambridgeshire County Council or their agent must be advised when changes are made to the conditions under which any equipment or permissions were issued.
- In the event that any equipment is surrendered, it will need to be returned to Cambridge City Council. If the equipment returned is the

one which matches with our records and is in full working order then we can at the Licensing & Enforcement Managers discretion, make arrangements for the necessary deposit to be refunded to you.

- Any permissions surrendered or changes made to details may be subject to an administration fee.

45. Disability Access Statement

Hackney Carriage and Private Hire Disability Access Statement

Introduction

It is important that drivers and operators licensed by Cambridge City Council are aware of their obligations concerning the transport of disabled passengers in wheelchairs and those accompanied by assistance dogs.

The Equality Act 2010 defines a disabled person as someone who has “a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on their ability to do normal daily activities”. This covers a diverse range of conditions including people suffering from arthritis through to those who are wheelchair bound. Drivers therefore need to acknowledge that not all disabilities are not visible and provide appropriate assistance where requested.

Cambridge City Council has produced this statement to accompany its ‘Hackney Carriage and Private Hire Licensing Policy’.

Legislative provisions and legal requirements

Passengers with disabilities are afforded protection under law and council policy.

The Town Police Clauses Act 1847 makes it an offence for a driver of a Hackney Carriage Vehicle to refuse (without reasonable excuse) to take a fare to any destination within the Council’s administrative district.

The Equality Act 2010 places a duty on all licensed drivers to transport a disabled person’s assistance dog, where required.

Drivers of wheelchair accessible vehicles must:

- Carry a passenger seated in a wheelchair
- Charge wheelchair users the same fare as non-wheelchair users; the meter, where used, must only be started when the journey begins
- Carry and secure the wheelchair separately if the passenger opts to sit in a passenger seat
- Ensure any wheelchair ramps and safety harnesses are present in the vehicle and in good working order. Wheelchair accessible vehicles found without these items will be suspended
- Ensure that the wheelchair, and passenger if seated in the wheelchair, is securely strapped in

- Passengers who choose to sit in their wheelchair for the journey must either face forwards or backwards, but never sideways
- Take steps to ensure that the passenger is carried safely and in reasonable comfort
- Give the passenger mobility assistance, as is reasonably required

Drivers of any licensed vehicle must:

- Carry a disabled person's assistance dog, allow it to remain with the passenger and not charge more for this service

If you are unable to meet any of the above duties because of a medical condition then you must obtain an exemption certificate from Cambridge City Council.

Where drivers fail to meet the legal requirements and a complaint is made then an investigation will be launched by an enforcement officer of the Licensing & Enforcement Team.

Customer service

To help provide the best possible service for disabled passengers the Council requests drivers follow these steps:

- Good communication is key. Make sure you ask the disabled person how they would like to travel in the vehicle and ask if they require any assistance, but wait for your offer to be accepted before doing anything
- Listen carefully to any requests and try to remember that everyone is different and what suits one passenger may not be appropriate for another
- Ensure that you know how to operate wheelchair ramps and safely load and secure a passenger in a wheelchair
- Talk directly to the disabled person rather than to any person(s) accompanying them where possible
- Keep visually impaired passengers updated with the progress of the journey, particularly if there are any delays
- Count out the change for visually impaired passengers
- Keep a pen and paper handy to write things down for passengers with hearing impairments
- Do not load or unload passengers who are wheelchair users where there is an incline or the pavement is sloped
- Do not make assumptions about a disability, or assume a disability is insignificant because it is not visible

Advice concerning the carriage of different types of wheelchair

Cambridge City Council recognises that some drivers are unsure of their responsibilities where it comes to the carriage of passengers in different types of wheelchairs. The following advice has therefore been generated:

Manual wheelchair

All wheelchair accessible vehicles must be able to carry this type of wheelchair.

Electric wheelchair

There is a huge variety of electric wheelchairs on the market that are generally designed to accommodate specific needs. Due to this drivers will likely encounter a range of devices with differing sizes. The advice in these situations is that the driver will need to make an assessment as to whether the wheelchair can be safely and securely carried in the vehicle along with the passenger. In circumstances where the driver is certain that this is not possible then the driver may refuse to take the fare but the driver must:

- Make reasonable effort to find the passenger an alternate means of transport e.g. hail/call for another more appropriate vehicle or call an operator for assistance
- Report the matter to the Licensing & Enforcement Team in case of complaint

Mobility scooter

In general mobility scooters will be too big to fit into a wheelchair accessible vehicle. Users should therefore be advised to seek assistance from a specialised service.

46. Conduct of Licence Holders

The code of conduct must be read in conjunction with other policy requirements, Byelaws (Appendix A), the Licence conditions (Appendix B) and statutory obligations.

It is important to recognise that as professional drivers Cambridge City Council expects the highest standards in driving and conduct from its licence holders. We expect drivers to be polite and courteous at all times to passengers, the public, other drivers and their colleagues.

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- complying with the Council's Licensing Policy; and
- behaving in a civil, orderly and responsible manner at all times

There are, however, unfortunately occasions where the Council receives complaints concerning licensed drivers and vehicles.

The most common areas of complaint are:

- Refusal of fares particularly those involving passengers with additional access requirements including wheelchair users or those with assistance dogs
- Refusal of help to passengers who may require it with access in and out of vehicles and with baggage

- Passenger disputes involving fares, baggage and alleged inappropriate conduct and behaviour
- Poor driving standards including clashes with other road users, ignoring signage, dangerous over-taking and speeding
- Parking offences, including dangerous parking and over-ranking
- Unfair practices e.g. drivers not using ranks where available, cherry picking fares, whipping of other driver's jobs and illegally plying for hire

In addition, officers frequently encounter instances where drivers fail to comply with their licence conditions. The Council has therefore created a Code of Conduct for all licence holders which can be found at Appendix Q. This has been generated, in part, to also deal with eventualities not covered by legislation and licence conditions.

Where an individual is found to be in breach of an item contained in the Code then the appropriate enforcement action will be considered, as provided by the Hackney Carriage and Private Hire Enforcement Management System as detailed in Appendix D.

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APPENDICES

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Appendix A

Hackney Carriage Bye Laws

Made under Section 68 of the Town Police Clauses Act, 1847, and Section 171 of the Public Health Act 1875, by the Major, Aldermen and Citizens of the City of Cambridge acting by the Council with respect to Hackney Carriages in the City of Cambridge.

Interpretation

1. Throughout these Byelaws “the Council” means the Mayor, Aldermen and Citizens of the City of Cambridge acting by the Council and “the district” means the City of Cambridge.

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

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

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

3. (Byelaw 3 repealed by Byelaws made by the Council on 27th July 1981 and confirmed by the Secretary of State on 6th November 1981.)
4. Every proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
 - i) If the taximeter is fitted with a flag or other device bearing the words “FOR HIRE”:
 - a) the words FOR HIRE shall be exhibited on each side of the flag or other device in plain letters at least one inch in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
 - b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible:

- c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
 - ii) If the taxi meter is not fitted with a flag or other device bearing the words “FOR HIRE”:
 - a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;
 - b) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter.
 - iii) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take in pursuance of the Byelaw in that behalf for the hire of the carriage by distance.
 - iv) The word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
 - v) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be suitably illuminated during any period of hiring.
 - vi) The taxi meter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. Every proprietor of a Hackney Carriage provided with a taximeter not fitted with a flag or other device bearing the words “FOR HIRE” shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:
- a) The sign shall bear the words “FOR HIRE” in plain letters at least 1” in height:
 - b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

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

6. Every driver of a Hackney Carriage shall:
- i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":
 - a) When standing or plying for hire keep such flags or other device locked in the position in which the words are horizontal and legible.
 - b) As soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible.
 - ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":
 - a) When standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of Byelaw 5 so that the words "FOR HIRE" and clearly and conveniently legible by persons outside the carriage.
 - b) As soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage.
 - c) As soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter.
 - iii) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined by Section 1 of the Road Transport Lighting Act 1927, and also at any other time at the request of the hirer.
7. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fitting thereof, or with the seals affixed thereto.
8. Every driver of a Hackney Carriage for which stands are fixed by any Byelaw in that behalf shall, when plying for hire in any street not actually hired:
- Proceed with reasonable speed to, and station the carriage on, one of the such stands
 - If a stand, at the time or arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand
 - On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction
 - From time to time when any other carriage immediately in front is driven off or moved forward
9. Every proprietor or driver of a Hackney Carriage who shall have agreed or shall have been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with

such carriage as such appointed time and place.

10. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying or driving for hire, wear that badge in such position and manner as to be plainly and distinctly visible.
11. Every driver of a Hackney Carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:
 - Convey a reasonable quantity of luggage
 - Afford reasonable assistance in loading and unloading
 - Afford reasonable assistance in removing it to or from the entrance of any house, station, or place at which he may take or set down such person
12. Every proprietor or driver of a Hackney Carriage who shall knowingly convey in the carriage the dead body of any person shall, immediately thereafter, notify the fact to the Chief Sanitary Inspector of the Council.

Provisions fixing the stands of Hackney Carriages.

13. (Byelaw 13 lapsed. As to fixing Hackney Carriage stands, see now Section 63, Part II of the Local Government (Misc. Provisions) Act 1976.)

Provisions fixing the rates or fares, as well for time as distance, to be paid for Hackney Carriages within the district, and securing the publication of such fares.

14. (Byelaw 14 lapsed. As to fixing fares see now Section 65, Part II of the Local Government (Misc. Provisions) Act 1976.)

15. (1) Every proprietor of a Hackney Carriage plying for hire for which any fares are fixed by any Byelaw in that behalf shall:

- Cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures.
- Renew such letters and figures as often as is necessary to keep them clearly visible.

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

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

16. Every proprietor or driver of a Hackney Carriage shall, immediately after the

termination of any hiring, carefully search the carriage for any property, which may have been accidentally left therein.

17. Every proprietor of a Hackney Carriage shall if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

- 1 Carry it within twenty-four hours, if no sooner claimed by or on behalf of its owner, the Cambridge City Police Station, and leave it in the custody of the officer in charge of the Station on his giving a receipt for it.
- 2 Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pounds of its estimated value (or the fare for the distance from the place of finding to the Cambridge City Police Station, whichever be greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these Byelaws shall be liable, on summary conviction, to a fine not exceeding fifty pounds and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereof.

Repeal of Byelaws

19. The Byelaws relating to Hackney Carriages which were made by the Mayor, Aldermen and Burgesses of the Borough of Cambridge on the Thirteenth day of November 1936, the Second day of May 1938, and the Eighteenth day of November 1938, and which were confirmed by the Minister of Health on the Eleventh day of February 1937, the Tenth day of May 1938 and the Fourth day of January 1940, respectively, are hereby repealed.

The Common Seal of the Mayor, Aldermen and Citizens of the City of Cambridge was affixed hereto this sixth day of December 1951, in the present of (Sg) Alan H Swift – Town Clerk.

I hereby confirm the foregoing Byelaws and fix the date on which they shall come into operation as the 1st March 1952. (Sg) David Maxwell Fyfe – One of Her Majesty's Principal Secretaries-of-State.

Home Office, Whitehall, 22nd February 1952.

Byelaw

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Mayor, Aldermen and Citizens of the City of Cambridge acting by the Council with respect to Hackney Carriages in the City of Cambridge,

Byelaw No 3 of the series of Byelaws made by the Mayor, Aldermen and Citizens of the City of Cambridge acting by the Council on the Twenty-fourth day of August, One Thousand Nine Hundred and Seventy Three and confirmed by one of Her Majesty's Principal Secretaries-of-State on the First day of June, One Thousand Nine Hundred and Seventy Four is hereby repealed and replaced by the following Byelaw which shall be read and construed as one with the series of Byelaws aforesaid:

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

3. Every proprietor of a Hackney Carriage shall:

- Provide sufficient means by which any person in the carriage may communicate with the driver
- Cause the roof or covering to be kept water-tight
- Provide any necessary windows and means of opening and closing not less than one window on each side
- Cause the seats to be properly cushioned or covered
- Cause the floor to be provided with a proper carpet, mat or other suitable covering
- Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service
- Provide means of securing luggage if the carriage is so constructed as to carry luggage
- Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
- Provide at least two doors for use of persons conveyed in such carriage, and a separate means of ingress and egress for the driver
- Cause a sign (which shall be illuminated during the darkness except when the vehicle is under hire and is not proceeding through an area restricted to vehicles other than inter alia Hackney Carriages) bearing the word "TAXI" in black lettering on a yellow background on the front and "Cambridge Licensed Taxi Cab" in black lettering on a red background on the back at all times to be prominently displayed on the roof of the vehicle except:
 - When the vehicle is on hire for a wedding
 - When it is necessary to accommodate passengers luggage by the use of a roof rack
 - When the vehicle is being used for social, domestic or pleasure purposes.

The Common Seal of Cambridge City Council was hereunto affixed this 27th day of July One Thousand Nine Hundred and Eighty-One in the presence of Michael Ball – City Secretary and Solicitor.

The Secretary of State this day confirmed the foregoing byelaw and fixed the date on which the byelaw is to come into operation as the 6th day of November 1981. J L Banstock, An Assistant Under Secretary of State, Home Office, Whitehall, 6th November 1981.

Appendix B

Licence Conditions

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and to relevant statutory requirements including in particular those contained in the Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

Alteration of Vehicle

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

Identification Plate

The plate identifying the vehicle as a Hackney Carriage Vehicle is required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Misc. Provisions) Act 1976 shall be securely fixed to the external rear of the vehicle in a conspicuous position and in such manner as to be easily visible by an authorised officer of the Council, or a Police Officer. Fixing kits will be provided for this purpose.

Safety Equipment

There shall be provided and maintained in good working order in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances.

Cambridge Crests

Cambridge City Crests must be displayed in the agreed position on the vehicle doors at all times in Cambridge City.

Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be clearly visible at all times to persons conveyed therein:

- The number of the licence
- The number of passengers prescribed in the licence

- The table of fares currently in operation
- The statement in legible letters at least 1cm high “Complaints should be referred to the proprietor in the first instance, and then if necessary, to the Head of Environmental Services, Mandela House, Regent Street, Cambridge, CB2 1BY quoting all the facts including the number of the Hackney Carriage Vehicle”.
- Should it be spotted at the vehicle test do we need to raise it with them?
- Is this something enforcement could add to their vehicle inspection check list if not already present?

Convictions

The proprietor shall, within seven days, disclose to the Council in writing, details of any conviction imposed on him, or if the proprietor is a company, on any of its directors during the period of the licence.

Byelaws

The vehicle must comply with the relevant provisions of the Hackney Carriage byelaws or be taken out of service as a Hackney Carriage until such time as the vehicle complies with the byelaws.

Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence within 7 days of such change taking place.

Signs and Notices

Signs or advertisements may be displayed on or affixed to the exterior of any licensed vehicle subject to the City Council’s discretion to disallow any sign or advertisement.

Meters

Meters must comply with Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments as implemented into UK law by The Measuring Instruments (Taximeters) Regulations 2006, be programmed to calendar control and be sealed by lead or plastic means to meet the required minimum standard.

Transfer of Plate Ownership

It is an offence under the Local Government (Misc Provisions) Act 1976 not to inform the Council of any change of ownership within 14 days.

IT IS AN OFFENCE FOR ANY PERSON OTHER THAN A HACKNEY CARRIAGE DRIVER LICENSED BY CAMBRIDGE CITY COUNCIL TO DRIVE A HACKNEY CARRIAGE VEHICLE LICENSED BY CAMBRIDGE CITY COUNCIL.

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and to relevant statutory requirements including in particular those contained in the Motor Vehicles (Constructions and Use) Regulations shall be fully complied with.

Alteration of Vehicle

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

Identification Plate

The plate identifying the vehicle as a Private Hire Vehicle is required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Misc. Provisions) Act 1976 shall be securely fixed to the external front and rear of the vehicle in a conspicuous position and in such manner as to be easily visible by an authorised officer of the Council, or a Police Officer. Fixing kits will be provided for this purpose.

Interior Signs

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be clearly visible at all times to persons conveyed therein:

- The number of the licence
- The number of passengers prescribed in the licence
- The name and company address of the operator
- The statement in legible letters at least 1cm high "Complaints should be referred to the proprietor in the first instance, and then if necessary, to the Head of Refuse and Environment, Mandela House, Regent Street, Cambridge, CB2 1BY quoting all the fact including the number of the Private Hire Vehicle"
- The current fare table applicable to the licensed vehicle in legible lettering not less than 0.6cm high

Safety Equipment

There shall be provided and maintained in good working order in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances.

Signs and Notices

All Private Hire Vehicles should have displayed on their door sign in 1” lettering the words: **‘Private Hire Vehicle – Pre Booked Only’**.

Meters

Meters must comply with Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments as implemented into UK law by The Measuring Instruments (Taximeters) Regulations 2006, be programmed to calendar control and be sealed by lead or plastic means to meet the required minimum standard.

Meters need to meet the Public Carriage Office specification, be programmed to calendar control and be sealed by lead or plastic means to meet the required minimum standard.

Transfer of Ownership

The Council must be informed of any transfer of plate ownership within 14 days.

Change of Address

The proprietor of the licensed Private Hire Vehicle shall notify the Council in writing of any change of address during the period of the licence within 7 days of such change.

Convictions

The proprietor shall, within seven days, disclose to the Council in writing details of any conviction imposed on him or if the proprietor is a company on any of its directors during the period of the licence.

Surrender of Licence

If the proprietor decides to cease the use of a licensed vehicle for Private Hire purposes, he shall surrender the licence by returning it together with the licence plate (which belongs to Cambridge City Council) to the Environmental Health Manager.

IT IS AN OFFENCE FOR ANY PERSON OTHER THAN A PRIVATE HIRE DRIVER LICENSED BY CAMBRIDGE CITY COUNCIL TO DRIVE A PRIVATE HIRE VEHICLE LICENSED BY CAMBRIDGE CITY COUNCIL.

PRIVATE HIRE DRIVER LICENCE CONDITIONS

Conduct

The driver must give reasonable help with luggage, be clean, respectable, polite and orderly. He must also take reasonable steps to ensure the safety of passengers and must not drink, eat or play a radio or similar device to the annoyance of any person during the hiring.

Passengers

The maximum number to be carried is as prescribed in the vehicle licence. No child under 10 may be carried in the front seat beside the driver.

Lost Property

The driver must search the vehicle to ensure that property is not left behind, and if property is left behind he must take it to a police station within 24 hours.

Written Receipts

Must be provided for charges, if requested.

Animals

All drivers are obliged to carry assistance dogs unless they have been granted a medical exemption from the Taxi Licensing Office. A driver may not carry an animal owned by him, or in his custody, or that of the proprietor of the vehicle or its operator.

Deposit of Driver's Licence

If the proprietor permits or employs any other person to drive the licensed vehicle he shall, before that person commences to drive the vehicle, ensure he is in possession of his "Taxi" Driver's licence for retention.

Alternatively, if the vehicle is a "fleet" Private Hire Vehicle, the driver is required to deposit their Private Hire Driver's licence with the Private Hire Operator.

Change of Address and Convictions

The holder of a "Taxi" Driver's licence shall, within seven days, notify the Council in writing of any change of address, or conviction imposed on him, during the period of the licence.

Badges

Badges must be displayed prominently, in such a position that is easily seen by passengers at all times.

PRIVATE HIRE OPERATOR CONDITIONS

Records

The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively.

The records to be kept by the operator shall contain details of all Private Hire Vehicles operated by him, including the names and addresses of the owners and drivers, registration numbers and drivers of the vehicles, together with any radio call sign used.

Complaints

The operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any), which the operator has taken or proposes to take in respect thereof.

Change of Address

The operator shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change taking place.

Convictions

The operator shall within 7 days disclose to the Council in writing details of any conviction imposed on him (or if the operator is a company, on any of its directors) during the period of the licence.

APPENDIX C

Information on Hackney Carriage & Private Hire Vehicle Proprietor and Driver, and Private Hire Operator Offences

Licence holders are subject to certain statutory obligations. The Licensing section will investigate the offences detailed below and will consider enforcement action if it is established that any offence has been committed.

Offences Under The Town Police Clauses Act 1847

Section 40

An application for a Hackney Carriage vehicle Licence shall detail the name, surname and place of abode of the person applying for the Licence and of every proprietor, part proprietor or person involved solely or in partnership with any other person in the keeping, employing or letting to hire of such carriage. It is an offence for any person applying for the Licence to omit the details of such a person from the application form and also an offence for them to include a person who is not a proprietor, part proprietor or involved in the keeping, employing or letting to hire of the vehicle.

Section 44

It is an offence for any person named on a Hackney Carriage Vehicle Licence to neglect or wilfully omit to give notice of any new address to the Council in writing within 7 days of any change in his place of abode.

Section 45

It is an offence for any person to ply for hire otherwise than with a licensed Hackney Carriage or without having the Licence number corresponding to the carriage openly displayed on the vehicle. It is also an offence for any proprietor or part proprietor of any vehicle other than a licensed Hackney Carriage to permit the vehicle to be used as a Hackney Carriage plying for hire.

Section 47

It is an offence for any person to act the driver of any licensed Hackney Carriage without first obtaining a Hackney Carriage Driver Licence.

Section 48

Where the proprietor of a Hackney Carriage permits or employs any licensed driver, the proprietor shall require and retain in his possession the paper part of the Hackney Carriage Driver's Licence. If the proprietor is summoned to produce the driver, then he shall also produce the driver's Licence. It is an offence for any proprietor to fail to require and retain such a Hackney Carriage Driver's Licence or to refuse or neglect to produce the Licence as so required.

Section 49

The proprietor shall return the Driver Licence upon the driver leaving the service of the proprietor by whom he is employed, unless the driver is guilty of any misconduct in which case it will be for the proprietor to give notice of the complaint to the driver and summon the driver to appear before any justice for the matter to be resolved.

Section 52

It is an offence for the proprietor of any Hackney Carriage to permit the vehicle to be used, employed or let to hire without having exhibited on the vehicle a plate upon which is stated (in legible words that are clearly distinguishable from the colour of the plate) the maximum number of persons authorised by the Licence to be carried in the vehicle. It is also an offence for the driver of any Hackney Carriage to refuse to carry this number or any lesser number of passengers.

Section 53

It is an offence for any driver of a Hackney Carriage whilst standing at any taxi rank or in any street to refuse or neglect (without reasonable excuse) to drive the Hackney Carriage to any destination within the Council's administrative district as directed by the person wishing to hire the vehicle.

Section 54

If a fare is agreed in advance of the hiring of a vehicle that is less than the fare set out in the Hackney Carriage Table of Fares, it is an offence for any proprietor or driver of a Hackney Carriage to demand more than that fare.

Section 56

It is an offence if the proprietor or driver of a Hackney Carriage agrees to carry any person for a distance for which a sum is agreed upon and then carry the person for a lesser distance than that to which they were entitled to be carried for the sum so agreed upon.

Section 57

At the request of a hirer of a Hackney Carriage for the driver to wait for a specific period with the vehicle, the driver may demand and receive from the hirer the fare that is equal to the sum of the fare for driving to the destination and also the fare for waiting for such time period as determined by the Hackney Carriage Table of Fares. It is an offence, however, for a driver to take such a deposit and then refuse to wait or leave before the expiration of the agreed time period or to fail to account for the deposit on the final discharge of the Hackney Carriage.

Section 59

It is an offence for any proprietor or driver of a Hackney Carriage that has been hired to permit any person to be carried in the vehicle during such hire without the express consent of the person hiring the vehicle.

Section 60

It is an offence for a driver authorised by the proprietor of a Hackney Carriage to act as such, to suffer any other person to act as the driver of the vehicle without the consent of the proprietor. It is also an offence for any person to act as the driver of a Hackney Carriage without the consent of the proprietor.

Section 62

It is an offence for the driver of any Hackney Carriage to leave it in any street or at any place of public resort or entertainment (whether hired or not) without some one proper to take care of it. Any constable may drive away such a Hackney Carriage and deposit it at some place of safe custody.

Section 64

It is an offence for any driver of a Hackney Carriage to cause the vehicle to stand for hire across any street or alongside any other Hackney Carriage. It is also an offence for the driver of a Hackney Carriage to refuse to give way to any other carriage or to obstruct the driver of any other carriage in taking up or setting down any person or to wrongfully prevent or attempt to prevent the driver of any other Hackney Carriage from being hired.

Offences Under The Local Government (Miscellaneous Provisions) Act 1976

Section 46

It is an offence for the proprietor of any vehicle (other than a licensed Hackney Carriage or London cab) to use or allow the vehicle to be used as a Private Hire Vehicle without having a Private Hire Vehicle Licence for that vehicle.

It is an offence for any person to drive a Private Hire Vehicle unless they are licensed as a Private Hire Driver by the Local Authority that licensed the vehicle.

It is an offence for the proprietor of a Private Hire Vehicle to employ a person as the driver of the vehicle unless they are licensed as a Private Hire Driver by the same Local Authority that licensed the vehicle.

It is an offence for a person to operate a Private Hire Vehicle unless they are licensed as a Private Hire Operator by the same Local Authority that licensed the vehicle.

It is an offence for a Private Hire Operator to operate any vehicle as a Private Hire Vehicle:

- i) unless the vehicle is licensed as a Private Hire Vehicle by the same Local Authority that granted the Operator Licence and
- ii) unless the driver is licensed as a Private Hire Driver by the same Local Authority that granted the Operator Licence.

Section 48

It is an offence for a person to use a licensed Private Hire Vehicle unless the Private Hire Licence plates are exhibited on the vehicle.

Section 49

It is an offence for the proprietor of a Hackney Carriage or a Private Hire Vehicle to fail to notify the Council in writing of any transfer of his interest in the vehicle to another person Licence within 14 days of transferring his interest. Such a notice

must specify the name and address of the person to whom the Hackney Carriage or Private Hire Vehicle has been transferred.

Section 50

It is an offence for the proprietor of any Hackney Carriage or Private Hire Vehicle to present the vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the Council as required by notice.

It is an offence for the proprietor of a Hackney Carriage or Private Hire Vehicle that is licensed by the Council or in respect of which an application has been made for a Licence to be granted to fail to respond to a notice requiring them to state in writing the address of every place where the vehicle is kept when not in use. It is also an offence to fail to provide facilities as may be reasonably necessary to enable the vehicle to be inspected and tested at those addresses.

It is an offence for the proprietor of a licensed Hackney Carriage or a Private Hire Vehicle to fail to report to the Council as soon as reasonably practicable (but no later than 72 hours) any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the convenience of persons carried in the vehicle.

It is an offence for the proprietor of a licensed Hackney Carriage or a Private Hire Vehicle to fail to produce the vehicle licence or certificate of the policy of insurance to an authorised Officer of the Council.

Section 53

It is an offence for any driver of a Hackney Carriage or Private Hire Vehicle to fail on request of any authorised Officer or the Council or any constable to produce for inspection their driver Licence either forthwith or within 5 days beginning on the following day.

Section 54

It is an offence for the driver of a Private Hire Vehicle to fail to wear their Private Hire Driver Licence badge in such position and manner as to be plainly and distinctly visible.

Section 56

It is an offence for a licensed Private Hire Operator to fail to keep a record in such form as the Council may prescribe by way of condition attached to the Licence, to fail to enter before the commencement of each journey particulars of every booking accepted by him, and to fail to produce the record on request to any authorised officer or any constable for inspection

It is an offence for any Private Hire Operator to fail to produce their Operator Licence on request by an authorised officer or constable for inspection

Section 57

It is an offence for a person to knowingly or recklessly make a false statement or omit any material in giving information as part of an application for a Driver or Vehicle Licence.

Section 58

It is an offence for the proprietor of a vehicle to fail without reasonable excuse to comply with a notice issued by the Council to require the return of the Vehicle Licence plate.

Section 64

It is an offence for any person to cause or permit any vehicle other than a Hackney Carriage to wait on any stand for hackney carriages without reasonable excuse during any period for which that stand has been appointed.

Section 66

It is an offence for a Hackney Carriage driver to undertake a journey for any hirer ending outside the district in respect of which no fare or rate of fare was agreed before the hiring was effected and for the driver to charge more than the fare indicated on the taxi as set by the Council's Hackney Carriage Table of Fares

Section 67

It is an offence for any person to use a Hackney Carriage under a contract for private hire except at a rate of fares or charges not greater than that fixed by the Hackney Carriage Table of Fares.

Section 69

It is an offence for any licensed Hackney Carriage or Private Hire Driver to unnecessarily prolong (in distance or time) without reasonable excuse, a journey for which the vehicle has been hired.

Section 71

It is an offence for any person to tamper with any seal on a taximeter, to alter any taximeter, or to use a private hire vehicle with a meter installed in the vehicle unless the meter has been tested and approved by or on behalf of the Council.

Section 73

It is an offence for any person to wilfully obstruct an authorised officer or constable, to fail to comply with any requirement properly made by such an officer or constable or to fail to give such officer or constable any other assistance or information which he may reasonably require of such person for the performance of his functions.

Offences Under The Transport Act 1980

Section 64

It is an offence for any person to knowingly drive a vehicle (other than a Hackney Carriage) or permit a vehicle (other than a Hackney Carriage) to be driven if there is displayed on or above the roof of the vehicle which is used for carrying passengers for hire or reward any sign which consists or of includes the word "taxi" or "cab" whether in the singular or plural, or "hire" or any word of similar meaning or appearance to any of those words whether alone or as part of another word. It is also an offence to display any sign, notice, mark, illumination or other feature on

such a vehicle, which may suggest that the vehicle is a Hackney Carriage.

Offences Under The Health Act 2006

Section 6

It is an offence for any person who occupies or is concerned in the management of smoke-free premises to fail to ensure that statutory no-smoking signs are displayed in those premises. Hackney Carriages and Private Hire Vehicles are deemed smoke-free places at all times during which the Licence has effect and a no-smoking sign must be prominently displayed in each compartment of the vehicle at all times.

Section 7

It is an offence to smoke in a smoke-free place. Hackney Carriages and Private Hire Vehicles are deemed smoke-free places at all times during which the Licence has effect.

Section 8

It is an offence for any person who controls or is concerned in the management of smoke-free premises to fail to cause any person smoking there to stop smoking. Hackney Carriages and Private Hire Vehicles are deemed smoke-free places at all times during which the Licence has effect.

Offences under Chapter 1 of Part 12 of the Equality Act 2010

Section 168

It is an offence for the driver of a Hackney Carriage that has been hired by or for a disabled person who is accompanied by an assistance dog, or by another person who wishes to be accompanied by a disabled person with an assistance dog to fail to carry the disabled person's dog and allow it to remain with that person or to make any additional charge for doing so, unless an exemption certificate from the requirement to carry assistance dogs has been issued by the Council and that Certificate is displayed within the vehicle.

Section 170

It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for the vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog. The operator also commits an offence if they make an additional charge for carrying an assistance dog which is accompanying a disabled person.

It is an offence for the driver of a private hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog, unless an exemption certificate from the requirement to carry assistance dogs has been issued by the Council and that Certificate is displayed within the vehicle.

APPENDIX D

Hackney Carriage and Private Hire Enforcement Management System

It is the policy of Cambridge City Council to ensure that proprietors, drivers and operators are licensed and carry out their trade in accordance with both the relevant law and the conditions attached to the licences. This will ensure a safe and secure Hackney Carriage and Private Hire Service.

In relation to private hire operators' licences and both hackney carriage and private hire drivers' licences the Council cannot grant or renew a licence unless they are satisfied that the applicant is a fit and proper person to hold the licence.

The enforcement management system is intended to fairly and firmly enforce the law in a consistent and transparent way.

The City Council has a duty to enforce a wide range of statutes relating to:

- public health and safety,
- quality of life,
- preservation of public and residential amenity
- maintenance of the environment and
- protection of public funds.

All of these activities will be carried out having regard to the general principles of good enforcement practice outlined in our Corporate Enforcement Policy.

The Council's graduated approach to enforcement is based on the principles of:

- Courtesy and Helpfulness
- Clear Standards and Practices
- Consistency
- Openness
- Proportionality; and
- Training of drivers, proprietors and operators

Achieving and maintaining a consistent approach to making decisions about taxi licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, the guidelines must be considered and followed. Enforcement action will be related to the seriousness of the breach and the possible consequences arising out of it. Enforcement action will not, therefore, constitute a punitive response to minor technical contraventions of legislation.

When making enforcement decisions, Authorised officers will take this enforcement management system into account. Any departure from this must be fully considered, exceptional, capable of justification, and must be endorsed by the Licensing &

Enforcement Manager or more senior officer before the decision is implemented.

1. Enforcement Options

Licence application and enforcement decisions must always be consistent, balanced, proportionate and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the:

- seriousness of any offences;
- driver, proprietor or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- public safety;

Having considered all relevant information and evidence, the choices for action are applicable to:

a) Licence Applications:

- Grant licences subject to the Council's Hackney Carriage and Private Hire Licensing Policy requirements and such conditions as the Council deems necessary and proportionate; or
- Refuse to grant or renew a licence.

b) During the life of a Licence:

Enforcement action	Description
No action	In instances where a complaint has been received from an anonymous source or insufficient information is given.
Informal action	<p>Includes offering advice, verbal or written warnings, interviews, and the use of letters to secure compliance with legislation/policy.</p> <p>Such informal enforcement action may be appropriate in any of the following circumstances: -</p> <ul style="list-style-type: none"> • The act or omission is not serious enough to warrant more formal action; • It can be reasonably expected that informal action will achieve compliance, perhaps by taking into account the individual driver, proprietor or operator's past history; • Confidence in the operator's management is high; • The consequences of non-compliance will not pose a significant risk to the safety of the public

<p>Suspension or revocation of a driver's licence</p>	<p>In instances where the Council is satisfied that a driver poses an significant immediate risk to public safety then the Environmental Health Manager has the delegated authority to issue an immediate suspension or revocation to the driver in question by the powers provided by Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.</p>
<p>Suspension or revocation of a vehicle licence</p>	<p>The Council may issue a suspension or revocation of a vehicle licence under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 for any of the following grounds:</p> <ul style="list-style-type: none"> • That the hackney carriage or private hire vehicle is unfit for use; • Any offence under, or non-compliance with, the provisions of the 1847 or 1976 Acts; • Any other reasonable cause. <p>Any decision to suspend or revoke a vehicle licence will be accompanied by notification in the form of a letter to the licence holder.</p> <p>The licence holder can appeal a decision to suspend or revoke a vehicle licence by applying to the Magistrates' Court within 21 days of the decision be made.</p>

Immediate vehicle suspension notice

Under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 an authorised officer can issue a suspension notice to any hackney carriage or private hire vehicle deemed to be 'unfit'.

If the authorised officer is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter, the officer may give notice in writing to require the proprietor of the vehicle to make the vehicle available for further inspection and testing at such reasonable time and place as specified in the notice, and suspend the licence until such time as the officer is satisfied that the vehicle or meter is again fit for purpose. This may involve the affixing of a non-removable 'Licence Suspended' sticker to the licence plate of the vehicle.

The suspension notice will remain in place until such time as the Officer issuing the notice is satisfied that the grounds for suspension have been satisfactorily resolved. Written confirmation of the lifting of the suspension notice will be given. The responsibility for a replacement licence plate will fall to the licence holder.

If the Authorised Officer or constable who issued the suspension notice is not satisfied as to the fitness of the vehicle or its taximeter before the expiration of a period of two months, the licence will, by virtue of the provisions of section 68, be deemed to have been revoked.

Where a licence is deemed to be revoked, the Council will write to the proprietor of the vehicle giving notice of the grounds on which the licence has been revoked within 14 days of the deemed revocation.

The proprietor may appeal to the Magistrates' Court.

Simple cautions	<p>A simple caution may be used as an alternative to a prosecution in certain circumstances.</p> <p>The purposes of the simple caution are to:</p> <ul style="list-style-type: none"> • Deal quickly and simply with less serious offences; • Divert less serious offences away from the Courts; • Reduce the chances of repeat offences <p>To safeguard the suspected offender's interests, the following conditions must be fulfilled before a caution is administered:</p> <ul style="list-style-type: none"> • There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction; • The suspected offender must admit the offence; • The suspected offender must understand the significance of a simple caution and give informed consent to being cautioned. <p>If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria are not satisfied to enable the offer of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a caution).</p> <p>Where a person declines the offer of a simple caution, it will be necessary to consider taking a prosecution.</p>
Prosecution	<p>The decision to prosecute is a significant one as a conviction may impact on the licence holder's future employability. Prosecution will, in general, be appropriate for circumstances where the law is blatantly disregarded, legitimate requirements of the Council are not followed and / or the public is put at serious risk. Such circumstances are in a minority. The criteria on which a decision to prosecute is made should ensure a consistent approach.</p> <p>When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.</p>

<p>Referral to the Licensing Sub-Committee</p>	<p>A licence holder may be asked to appear before the licensing sub-committee to answer allegations of breaches of relevant legislation, byelaws or conditions attached to licences or a contravention of the Council's Hackney Carriage and Private Hire Licensing Policy. Prior to this, the licence holder may be provided with warnings, depending on the seriousness of the complaint or contravention. Section 2 provides a guide to the action that the Licensing & Enforcement team is likely to take in response to these matters.</p> <p>The Licensing Sub-Committee will consider whether, in all the circumstances of the case, including the underlying facts of the incidents, including the incidents on previous occasions, the licence holder is a fit and proper person to hold a licence. The Licensing sub-committee will consider whether there is reasonable cause to suspend or revoke a licence.</p> <p>When considering an application or the standing of a licence holder the Committee may decide to take one or more of the following actions:-</p> <ul style="list-style-type: none"> • no action; • a written warning; • require the production of driving licences or other specified documentation at the Council's Office; • suspend a licence; • revoke a licence; • recommend consideration of prosecution action; • other appropriate action as deemed necessary <p>The Taxi Regulatory Committee Hearings Procedure can be found in Section 3.</p>
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Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

Any written documentation issued or sent will: -

- contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen;
- clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

2. Enforcement Action

2.1 Table of Enforcement Actions

To achieve a stepped approach to enforcement, the Council will generally take the appropriate action when:

- a licence applicant falls under any of the points in the stated enforcement management table
- a licence holder breaches a licence condition
- a licence holder commits an offence
- a complaint is received about the conduct of a licence holder or condition of a vehicle; and
- there is a combination of the above

At any stage in the process, Officers may, if they consider it appropriate to do so, refer a licence applicant or holder to the Licensing Sub-Committee for a decision as to whether the licence holder continues to be a fit and proper person to be granted or to hold a licence.

The below table gives an indication of the likely action that the Council will take. However, each case will be considered individually and, in exceptional circumstances, the Council may deviate from this in order to take the necessary and appropriate enforcement action.

Furthermore, specific consideration will be given to the points relating to licene applicants by the Environmental Health Manager, and subsequently the Licesning Sub-Committee, so that they may exercise their discretion to grant or renew a licence or to suspend or revoke an existing licence.

LEVEL 1 ENFORCEMENT

Number	Detail
i)	A breach of a Licence Condition by a licence holder.
ii)	A road traffic offence by a licence holder witnessed by an Enforcement Officer of Cambridge City Council, Cambridgeshire County Council or Police (e.g. driving whilst using a mobile phone).
iii)	Two complaints of a similar nature in a 12 month period (<i>when a complaint concerning a licence holder is received the complaint will be investigated and the licence holder will be invited to provide comments in writing. The officer will decide whether they consider, on the balance of probabilities, that the complaint is justified</i>) and/ or breaches of the Code of Conduct within a 12 month period.
iv)	Any road traffic offence or combination of offences that resulted in the accrual of penalty points except whether the number of points accrued means that the licence holder falls within Level 3 Enforcement.
v)	The licence holder fails to return a Temporary Medical Exemption Notice to the Licensing and Enforcement Team within 7 days of the expiry date.
vi)	A combination of the above in addition to one complaint received.
ACTION	The individual will be invited to provide a formal response in writing and appropriate action will be taken, which may include an advisory letter to the driver reminding them of expected standards.

LEVEL 2 ENFORCEMENT

Number	Detail
i)	The licence holder has received a simple caution for an offence under <ul style="list-style-type: none"> - Town Police Clauses Act 1847 - Part II of the Local Government (Miscellaneous Provisions) Act 1976 - Part IV of the Transport Act 1980 - Part I of the Health Act 2006 - Chapter 1 of Part 12 of the Equality Act 2010
ii)	A substantiated complaint has been received regarding the conduct of the licence holder (other than an offence) or the condition of a vehicle.
iii)	The licence holder has committed an offence under <ul style="list-style-type: none"> - Town Police Clauses Act 1847 - Part II of the Local Government (Miscellaneous Provisions) Act 1976 - Part IV of the Transport Act 1980 - Part I of the Health Act 2006 - Chapter 1 of Part 12 of the Equality Act 2010 <p>where legal proceedings are not instigated.</p>
iv)	The licence holder breaches two licence conditions or two road traffic offences by the licence holder are witnessed by an Enforcement Officer of Cambridge City Council, Cambridgeshire County Council or the Police (e.g. driving whilst using a mobile telephone), or one of each occurs within a 12 month period.
v)	The licence holder has committed an action covered in Level 1 where they have been written to by an officer of the Licensing & Enforcement Team in the previous 12 month period and reminded of the expected standards.
vii)	The licence holder has committed any offence relating to the Policing and Crime Act 2014.
ACTION	The individual will be interviewed by an officer of the Licensing and Enforcement team and the appropriate action will be taken, which may include a final written warning.

LEVEL 3 ENFORCEMENT

Number	Detail
i)	The licence holder has committed an action covered in Levels 1 and 2 where they have been interviewed by an officer of the Licensing & Enforcement Team in the previous 12 month period and a final written warning has been given.
ii)	The licence holder or licence applicant has been convicted of any offence of a sexual nature which is not spent under the Rehabilitation of Offenders Act 1974.
iii)	The licence holder or licence applicant has been convicted of any offence involving possession, supply of drugs or a related offence which is not spent under the Rehabilitation of Offenders Act 1974.
iv)	The licence holder or licence applicant has been convicted of any offence involving dishonesty which is not spent under the Rehabilitation of Offenders Act 1974.
v)	The licence holder or licence applicant has been convicted of any offence involving violence which is not spent under the Rehabilitation of Offenders Act 1974.
vi)	The licence holder or licence applicant has been convicted within the last 5 years of more than one offence of drunkenness or related.
vii)	The licence applicant has held their DVLA driver's licence for less than 2 years after its return as a result of suspension for any reason.
viii)	The licence holder or licence applicant has been convicted of any offence relating to alcohol and motor vehicles which is not spent under the Rehabilitation of Offenders Act 1974.
ix)	The licence holder or licence applicant has been convicted within the past 3 years of any offence which has resulted in 6 or more points being attached to their DVLA driver's licence.
x)	The licence holder or licence applicant has been convicted within 1 year of any combination of offences which has resulted in more than 6 points being attached to their DVLA driver's licence.
xi)	If at the time of application (for grant, renewal or during the life of an existing licence) the licence holder or licence applicant has more than 9 points attached to their DVLA driver's licence.

xii)	<p>If the licence holder or licence applicant has one or more convictions relating to</p> <ul style="list-style-type: none"> - Town Police Clauses Act 1847 - Part II of the Local Government (Miscellaneous Provisions) Act 1976 - Part IV of the Transport Act 1980 - Part I of the Health Act 2006 - Chapter 1 of Part 12 of the Equality Act 2010 <p>which is not spent under the Rehabilitation of Offenders Act 1974.</p>
xiii)	<p>If the licence holder or licence applicant is found to be living or working in the UK without the required authorisation, or if they have committed any offences arising from Asylum & Immigration matters.</p>
xiv)	<p>If the licence holder or licence applicant fails the initial safeguarding training examination on more than three occasions or fails to complete the refresher training as required by the Council.</p>
xv)	<p>If the licence holder or licence applicant presents a medical assessment (or makes a declaration) for consideration but does not declare them unfit to drive.</p>
xvi)	<p>Upon the application for or the duration of a licence, if there is intelligence, supplementary information or any other reasonable cause where officers have concerns about the grant or the continuation of a licence.</p>
ACTION	<p>The individual will be referred to the Licensing Sub Committee to consider whether the licence holder or licence applicant is a fit and proper person to hold a licence; action that may be taken includes refusal to grant a licence or the revocation, suspension or refusal to renew an existing licence.</p>

3. Taxi Regulatory Committee Hearings Procedure

The purpose of this section is to provide a standardised procedure for hearings of taxi regulatory matters that are considered by the sub-committee. The procedure allows for all parties to exercise their right to a fair hearing.

The City Council, as licensing authority for Hackney Carriage and Private Hire matters within the City of Cambridge, has a responsibility to determine those matters within its jurisdiction. In many cases these will involve one or more of the elements in the Enforcement Management System.

All decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub-Committee with a right of appeal to the Magistrates Court.

In certain circumstances the authority will hold a hearing. It is considered good practice that a recognised procedure is followed and that parties involved in hearings should be advised of that procedure, in advance.

An overview of the procedure is given below:

1.	Information received that raises referral to the Licensing Sub-Committee Initial investigations by Case Officer (CO) including collating of supporting evidence and contact with any complainants for statements.
2.	Interview of applicant/licence holder Individual invited to give statement, recorded by CO and submit any supporting evidence.
3.	Preparation of report Submitted to Licensing and Enforcement Manager and Environmental Health Manager for approval and subsequent review by Legal Services.
4.	Date of hearing confirmed by Committee Services Applicant/ licence holder informed of date of hearing and sent a copy of the report
5.	Taxi Licensing Sub Committee Hearing The case is heard by the Licensing Sub Committee who decide what action, if any, to take.

3.1 Referral to the Licensing Sub Committee

Following investigation and where the LEO considers it appropriate to do so, the LEO will prepare a report for the Sub-Committee setting out the relevant law, Council policy and the powers of the Sub-committee. The LEO will also submit any information obtained as a result of the investigation, the source of that information and any matters in dispute.

The CO will write to the applicant or licence holder, and the witnesses to tell them when and where the Sub-Committee meeting will be held.

Evidence can be given in writing or orally, by the LEO, the applicant or licence holder, or by their witness(es). There are no legal restrictions in terms of the kind of evidence that can be heard or the form in which it must be presented.

The applicant or licence holder can give evidence about her/his character in any way she/he thinks fit, e.g. by letters of reference or by calling witnesses

The CO will send the applicant or licence holder a copy of the report at least 5 working days before the hearing to give her/him the opportunity to comment on it or, if she/he chooses, to submit further written representations or additional evidence.

When presenting the report to the Sub-Committee the LEO will inform the Sub-Committee of any comments, representations or additional evidence submitted by or on behalf of the applicant or licence holder.

At any stage the applicant or licence holder may instruct someone (such as a solicitor, a friend or relative, an employer or a member of a trade organisation) to act as her/his representative. The applicant or licence holder can be represented at the hearing regardless of whether the individual attends the hearing.

If the applicant or licence holder fails to attend the hearing the Sub-Committee may decide to continue in her/his absence.

Any references in this note to an applicant or licence holder should be taken to include her/his representative.

3.3 The Hearing

Present at the hearing will be members of:

Present at the hearing will be members of:

- The Taxi Regulatory Sub-Committee;
- The Case Officer;
- A Legal Officer (who will be the Sub-Committee's legal adviser); and
- A Committee Manager

At the start of the hearing the Chair of the Sub-Committee will open the meeting introduce the members of the committee and officers present and explain the

procedure to be followed.

The committee members will decide whether members of the press and public should be excluded from the remainder of the hearing.

If a member of the Taxi Regulatory Sub-Committee becomes aware of a possible conflict of interest before or during the hearing she/he should raise this with the Head of Legal Services.

Members should not take part in hearing a case if they have a personal interest or involvement with it or the issues raised by it might be seen as affecting their impartiality, e.g. if they know the applicant / licence holder or a complainant, or they have been previously involved with the case or a closely related case in another capacity.

The LEO will outline the report and present any witnesses in support of the CO's case.

Members may ask any relevant questions of the officer or witnesses.

The Chair will invite the applicant / licence holder or her/his representative to ask questions of the Officer or witnesses. The Chair will then invite the applicant / licence holder or a representative to put their case to the committee. This will include calling any witnesses. Witnesses will be allowed into the hearing only when giving their evidence.

Members may ask any relevant questions of the applicant / licence holder and/or her/his witnesses.

When all the evidence has been offered, the Chair will invite all parties to summarise their points if they wish before confirming whether any parties have anything else they wish to say

The Chair will invite the Legal Adviser to the Sub-Committee to give any legal advice that the advisor considers to be appropriate.

The Sub-Committee will withdraw to another room to consider their decision in private. The Sub-committee may invite the Legal Advisor to join them. Any legal advice given to the Sub-Committee when they are withdrawn will be reported back to the hearing before the Chair resumes it.

The Sub-Committee may reconvene the meeting in order to seek clarification of the facts.

When the decision has been made the Chair will announce this to the applicant or licence holder.

3.4 The applicant or licence holder

Following the hearing the Council will write to the driver with formal notification of the decision of the sub-committee and inform the applicant or licence holder of the right of appeal to the Magistrates Court and the time within which appeals must be submitted.

A suspension or revocation of a licence will take effect at the end of the period of 21 days beginning with the day on which written notice of the Sub-Committee decision was given to the licence holder. The only exception to this is in the case of the suspension or revocation of a Driver Licence where the Sub-Committee have decided that the interest of public safety require the suspension or revocation to have immediate effect. The letter notifying the driver of the Sub-Committee's decision will include a statement that this is so and an explanation why. The suspension will then take effect when the letter notifying the decision is given to the driver.

In urgent cases, the Environmental Health Manager has delegated power to suspend or revoke a driver or vehicle licence.

APPENDIX E

REHABILITATION OF OFFENDERS

The Rehabilitation of Offenders Act 1974 (the 1974 Act) primarily exists to support the rehabilitation into employment of reformed offenders who have stayed on the right side of the law.

Under the 1974 Act, following a specified period of time which varies according to the disposal administered or sentence passed, cautions and convictions may become spent.

As a result the offender is regarded as rehabilitated.

Once a caution or conviction has become spent under the 1974 Act, an individual does not have to reveal it or admit its existence in most circumstances. However, where an exception applies (in the case of Taxi Licensing under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975), spent cautions and convictions need to be disclosed.

The rehabilitation period is determined by the type of disposal administered or the length of the sentence imposed.

Sentence/ Disposal	Buffer Period of Adults (18 and over) at the time of conviction or the time the disposal is administered ¹	Buffer Period of Young People (18 and under) at the time of the conviction or the time the disposal is administered
Custodial sentence ² of over 4 years, or a public protection sentence	Never Spent	Never Spent
Custodial sentence of over 30 months and up to and including 48 months	7 Years	3 ½ Years
Custodial sentence of over 6 months and up to and including 30 months	4 Years	2 Years
Custodial sentence of 6 months or less	2 Years	18 Months
Community order or youth rehabilitation order ³	1 Year	6 Months

Sentence/ Disposal	Rehabilitation Period for Adults (18 and over) at the time of conviction or the time the disposal is administered	Rehabilitation for Young People (18 and under) at the time of the conviction or the time the disposal is administered
Fine	1 Year	6 Months
Conditional Discharge	Period of the Order	Period of the Order
Absolute Discharge	None	None
Conditional Caution and Youth Conditional Caution	3 Months or when the caution ceases to have effect if earlier	3 Months
Compensation Order ⁴	On the discharge of the order	On the discharge of the order
Binding Over Order	Period of the order	Period of the order
Attendance Centre Order	Period of the order	Period of the order
Hospital Order	Period of the order	Period of the order

¹ This applies from the end date of the sentence.

² Custodial sentence includes a sentence of imprisonment (both immediate and suspended), a sentence of detention in a young offender institution, a sentence of detention, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.

³ In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

⁴ It is important that individuals obtain proof of payment from the court and keep this document to prove that the compensation order has been paid in full.

Referral Order	N/A	Period of the Order
Reparation Order	N/A	None

Sentences **NOT** covered by the 1974 Act:

- a) Sentence of imprisonment for life
- b) Sentence of imprisonment, youth custody, detention in a young offender institution or corrective training of over 4 years
- c) Sentence of preventative detention
- d) Sentence of detention during Her Majesty's pleasure or for life
- e) Sentence of custody for life
- f) Public protection sentences (imprisonment for public protection, detention for public protection, extended sentences of imprisonment or detention for public protection and extended determinate sentences for dangerous offenders)

Driving Offences

Endorsements stay on a driving record for 4 or 11 years depending on the offence. This can start from either the date of conviction or the date of offence.

4 years from date of conviction

An endorsement will stay on a driving record for 4 years from the date of conviction if the offence:

- is for reckless/dangerous driving - shown on the driving record as DD40, DD60 and DD80, or;
- results in disqualification

4 years from the date of offence

In all other cases endorsements stay on a driving record for 4 years from the date of offence.

11 years from date of conviction

If the offence is:

- drink driving or drug driving - shown on the driving record as DR10, DR20, DR30, DR31, DR61 and DR80,
- causing death by careless driving while under the influence of drink or drugs –

- shown on the driving record as CD40, CD50 and CD60, or;
- causing death by careless driving, then failing to provide a specimen for analysis – shown on the driving record as CD70

the conviction will stay on a driving record for 11 years from the date of conviction.

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APPENDIX F

FEES AND CHARGES

Fees are subject to change at any time. The most recent fees are set out as below:

Driver Fees

Detail	Fee
Knowledge Test	£40
1 Year New Licence	£190
1 Year Renewal Licence	£80
3 Year Renewal Licence	£150
Replacement Badge	£15
Replacement Licence	£10
Change of Details	£10
1 Year DVLA Data Check	£8
3 Year DVLA Data Check	£24
DBS Check	£44

Vehicle Fees

Detail	Fee
New Hackney Carriage Vehicle Licence	£225
Renewal Hackney Carriage Vehicle Licence	£210
New Private Hire Vehicle Licence	£225
Renewal Private Hire Vehicle Licence	£200
Private Hire Vehicle Plate Deposit	£50
Hackney Carriage or Private Hire Vehicle Mechanical Fitness Test (Twice Yearly)	£56
Re-Test if work carried out at garage or brought back to garage before the end of the next working day	Free
Re-test if work carried out at another garage but retested within 10 days	£28
Re-test if work carried out at another garage but not retested within 10 days	£56
Hackney Carriage or Private Hire Replacement Plate	£25
Hackney Carriage or Private Hire Change of Ownership	£55

Vehicle Replacement Licence	£10
Vehicle Change of Details	£10

Restricted Access System Fees

Detail	Fee
Restricted Access Register Fee	£20

Operator Fees

Detail	Fee
Private Hire Operator New Application (1 Year)	£150
Private Hire Operator Renewal Application (1 Year)	£150
Private Hire Operator Renewal (5 Year)	£640
Private Hire Operator Replacement Licence	£10
Private Hire Operator Change of Details	£10

Sale of Goods

Detail	Fee
Crests (Sticky)	£6 each
Crests (Magnetic)	£8 each

DVSA Driving Test (Hackney Saloon Vehicles and Private Hire Saloon Vehicles Test)

(You will need to contact the DVSA to obtain the most current test charges but a guide is set out below)

Detail	Fee
Hackney saloon vehicles and private hire saloon vehicles (Weekday)	£79.66
Hackney saloon vehicles and private hire saloon vehicles (Evening, Weekend and Bank Holiday)	£96
Hackney wheelchair accessible vehicles (Weekday)	£92.94
Hackney wheelchair accessible vehicles (Evening, Weekend and Bank Holiday)	£112.34

Methods of Payment

The fees for hackney carriage and private hire licenses are non-refundable and must be made in full at the time of application/ renewal for the application/ renewal to be accepted and processed. Payment can be made:

By cash or By debit card

You will be issued with an official till receipt for all monies paid.

Please note that fees for the DVSA test will need to be paid directly to the DVSA.

Fees for the Medical will need to be paid directly to the respective surgery.

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APPENDIX G

VEHICLE STANDARDS

Hackney Carriage, Private Hire, Dual Driver, and Proprietor & Operator – Vehicle Standards

Cambridge City Council is required to adopt or implement its own policy in relation to National Inspection Standards of Taxi vehicles, both Hackney Carriages and Private Hire vehicles, having regard to the Best Practice Guide (prepared by the Technical Officer Group) in the light of operational needs and geographic circumstances, for the inspection of Taxi vehicles. These standards are designed and intended to provide a framework for authorities in setting and assessing standards for vehicle safety to ultimately determine when vehicles are presented for inspection or test whether or not they receive a pass certificate to enable their use to carry members of the public.

The Best Practice Guide was first introduced in October 2006 following consultation with various interested parties such as The Driver and Vehicle Standards Agency (DVSA) (formerly known as the Department of Transport, Vehicle & Operator Services Agency (VOSA)), Disabled Persons Transport Advisory Committee (DPTAC) and the Institute of Licensing. Hackney carriage and private hire vehicles are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore in the interest of passenger and other road user's safety, a more stringent maintenance and testing regime is required.

The national guide sets out specific vehicle safety issues based on expert technical knowledge and experience of the Technical Officer Group. Its aim is to assist all licensing authorities and vehicle inspectors, by endorsing a minimum national vehicle inspection standard for Hackney Carriages and Private Hire Vehicles. This is subject to revision taking into account ongoing changes in public travel (e.g. the stretched limousine guidance note) and safety issues (e.g. trailing the introduction of the Safeguarding Vulnerable Groups legislation).

The Council has reviewed the Best Practice Guide as published by the DVSA which is to be used in conjunction with the DVSA MOT Inspection Manual as an advocate to public safety. DVSA is supportive of the Public Authority Transport Network (PATN) initiative to develop and share best practice and recognises the benefit to having a common standard to be applied nationwide.

The legislation governing Hackney Carriages and Private Hire Vehicles is the responsibility of The Department of Transport and this includes accessibility for disabled people including those who need to travel in a wheel chair.

All licensing authorities must ensure that each of their various licensing requirements is properly justified by the risk it aims to address. It needs to measure whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public.

The guidance seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in the MOT inspection Manual for Car & Light Commercial Vehicle Testing issued by DVSA but provides additional testing requirements to those in the MOT Inspection Manual.

The scope of the guidance is that it does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those that have caused difficulty or seem to be of particular significance. Environmental considerations include designated Air Quality Management Areas whereby local authorities can set vehicle emission standards for taxis and PHVs.

Private Hire and Hackney Carriages, whether designed to accommodate wheel chair passengers or not would generally be required to be fitted with at least four doors and four wheels and be right-hand drive. They would also be required to have adequate space for luggage and be capable of carrying at least four and no more than eight passengers in addition to the driver. These vehicles will not be accepted with blacked out windows. Passengers being carried in the vehicle must be visible from the outside. To allow a thorough examination of a vehicle or any part thereof, it must be presented for test in a clean condition. The vehicle presented, will fail the test if, in the opinion of the examiner, it is so dirty that it would be unreasonable for the test to be carried out.

A wheelchair accessible vehicle shall have a minimum door height and width and internal headroom equal to or larger than a London Taxi International FX4 Fairway Taxi. (These measurements are door width 680mm; door height 1270mm and inside height floor to roof 1320mm).

Section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008 and applies only to those vehicles deemed accessible by the local authority as being used for 'taxibus' services. This legislation imposes certain duties on drivers to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1000. It is recognised that local authorities can implement training requirements or, ultimately, powers to suspend or revoke licences.

Legislation gives local authorities a wide range of discretion over the types of vehicle that they can licence as hackney carriages and private hire vehicles. Cambridge City Council will only license a vehicle as a Hackney Carriage or Private Hire Vehicle if it complies with European Whole Vehicle (M1) type approval, M1 Low Volume Type Approval or UK National Small Series Type Approval and Individual Vehicle Approval (IVA).

Cambridge City Council currently licences MPV type vehicles able to carry 6 passengers. These incorporate boot seats which fold up and down but they do not allow access to and egress from the vehicle. We are proposing to allow currently licensed vehicles to continue until the end of their licensing life but have decided not to licence vehicles designed to carry any more than 4 passengers in future. This decision has been taken on the grounds of safety.

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GENERAL

In general vehicles must:
Be suitable in type, size and design for the appropriate licence applied for. Sports saloons, drop head coupes, convertibles and touring cars will NOT be licensed.
Be covered by a satisfactory insurance policy.
Be safe and comfortable
Not be less than 4 feet 3 inches wide in the rear part of the body, where such measurements shall be taken 6 inches below the top and 6 inches in front of the rear backrest of the vehicle with both of the rear doors closed.
Have a minimum legroom for passengers using the rear seats of 8.5 inches, such measurement shall be taken from the rear door pillar to the nearest point of the rear seat squab.
Have provided for all passengers being carried in it, immediate and direct access to doors (minimum of 2 doors in the rear) that is available without assistance from any other person that will provide satisfactory means of escape in the event of an accident or emergency. A separate means of ingress and egress must be provided for the driver.
Be fitted with safety glass (i.e. if glass fractures it does not fly into fragments capable of causing severe cuts), which shall be replaced as soon as broken, discoloured or cracked.
Have windows that permit maximum visibility into, and out of, the vehicle. They must have no more than 25% tint value.
Be constructed so as to provide sufficient means by which any person in the vehicle may communicate with the driver.
Be fitted with the appropriate number of seatbelts according to the number of persons for which the vehicle is licensed to carry.
Be kept watertight.
Be provided with a means of opening and closing not less than one window on each side.

Have properly cushioned or covered seats.
Have floors covered with a proper carpet, mat or other suitable covering.
Be well maintained in a clean condition and in every way fit for public service.
Be provided with a means of securing luggage.
Be fitted with at least one no-smoking sign (showing the statutory no-smoking symbol) that is displayed in a prominent position in each compartment of the vehicle constructed or adapted to accommodate persons.
Not be fitted with celluloid or other highly flammable material.
Be provided with an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use.
Be provided with a first aid kit, which shall be carried in such a position as to be readily available for use.

The National standards set out include:

Lighting & Signalling Equipment	<ul style="list-style-type: none"> ▪ Stop Lamps- High Level Stop Lamps ▪ Electrical Wiring and Equipment ▪ Additional Lamps
Steering	<ul style="list-style-type: none"> ▪ Steering Control – Steering Wheel ▪ Steering Control – Steering Column ▪ Suspension Sprint Units and Linkage
Brakes	<ul style="list-style-type: none"> ▪ No additional inspection requirements
Tyres & Road Wheels	<ul style="list-style-type: none"> ▪ Tyres
Seat Belts	<ul style="list-style-type: none"> ▪ No additional inspection requirements
Body and Structure	<ul style="list-style-type: none"> ▪ Vehicle Body and Condition (Exterior) ▪ Vehicle Body, Security and Condition (Interior) ▪ Door and Seats ▪ Bumper Bars
Fuel and Emissions	<ul style="list-style-type: none"> ▪ Exhaust System ▪ Fuel System - Pipes and Tanks
Drivers view of the Road	<ul style="list-style-type: none"> ▪ Mirrors ▪ Windscreen ▪ Window glass or other transparent material
Additional Requirements	<ul style="list-style-type: none"> ▪ Speedometer ▪ Transmission ▪ Engine and Transmission Mountings ▪ Oil and Water Leaks ▪ Luggage/ Load Space
Ancillary Equipment	<ul style="list-style-type: none"> ▪ Wheelchair restraint and Access equipment ▪ Fire Extinguisher ▪ First Aid Kit

Section 1 – Lighting and Signalling Equipment

Stop Lamps – High Level Stop Lamps

Method of Inspection	Reason for Rejection
Any additional stop lamps fitted and connected must be tested.	
Where high level stop lamps are fitted and there is doubt as to whether they are connected, the benefit of this doubt should be given to the presenter	
Check the high level stop lamp where fitted: a) Is not obscured and is not obviously incorrectly positioned b) At least 50% of the lamp must be visible from the rear	a) It is obscured or obviously incorrectly positioned b) Less than 50% of the lamp is not working or is obscured

Electrical Wiring and Equipment

Method of Inspection	Reason for Rejection
<p>This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle:</p> <p>a) Check all wiring for:</p> <p> Condition Security Position</p> <p> Signs of overheating Heavy oil contamination</p> <p>b) Check the battery and carrier for:</p> <p> Security Battery for leaks</p> <p>c) Check all switches controlling all obligatory lights</p>	<p>a) Wiring</p> <p> Not adequately insulated Not adequately secured Positioned so it is chafing or clipped to a fuel line or likely to be damaged by heat so insulation becomes ineffective</p> <p> Clear evidence of overheating Heavily contaminated with oil</p> <p> A battery and carrier are not secure and likely to become displaced Battery leaking</p> <p> Insecurity or malfunction of a switch controlling an obligatory light</p>

Additional Lamps

Method of Inspection	Reason for Rejection
<p>With the ignition switched on check:</p> <p>Reversing Lamps</p> <ul style="list-style-type: none"> a) The reversing lamps emit a diffused white light when reverse gear is selected b) The lamps extinguish when neutral gear is selected c) The lamps are in good working order and are secure d) The lamps do not flicker when lightly tapped by hand. <p>Front Fog/ Driving Lamps</p> <ul style="list-style-type: none"> e) A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected f) A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together g) A pair of matched, long-range driving lamps, both emitting a white diffused light should illuminate together 	<ul style="list-style-type: none"> a) Fails to operate or does not emit a white diffused light b) Fails to extinguish when neutral or forward gear is selected c) Are not in good working order or insecure d) Lamps flicker when tapped lightly by hand. <ul style="list-style-type: none"> e) Lamp inoperative or operates other than in dipped beam mode f) Lamps operate incorrectly g) Lamps operate incorrectly
<p>'For Hire' and Roof signs, check that:</p> <ul style="list-style-type: none"> a) Correct style and type of sign fitted. b) Ensure the sign is securely fastened to the vehicle c) Check condition and security of wiring d) Functional test of signs for illumination 	<ul style="list-style-type: none"> a) Incorrect colour or details shown on sign i.e. registration number, vehicle number etc. b) Insecure sign c) Wiring is not in good condition and is loose or chuffed d) Illumination not consistent across the sign, i.e. all light bulb(s) LED(s) illuminated when switched on.

Section 2 – Steering

Steering Control – Steering Column

Method of Inspection	Reason for Rejection
<p>a) Try to lift the steering in line with the steering column and note the movement at centre of steering wheel</p> <p>b) Push steering wheel away and then pull it towards you. Note any side play.</p> <p>c) While steering wheel is rotated, check for deterioration in any flexible coupling or universal joint of steering column.</p> <p>d) Where practical, check any clamp bolts for presence and security of locking devices. (These may be located in the engine compartment or under chassis).</p>	<p>a) Excessive movement of centre of steering wheel in line with steering column (end float).</p> <p>Note: Certain types of steering column might show some movement not due to excessive wear, e.g. those fitted with universal joints or flexible couplings</p> <p>b) Excessive side play indicating worn top bearings or insecure top mounting bracket</p> <p>c) A flexible coupling or universal joint deteriorated, worn or insecure,</p> <p>d) A coupling clamp bolt or locking device loose or missing.</p>

Suspension Spring Units and Linkages

Method of Inspection	Reason for Rejection
<p>Coil Sprints</p> <p>a) Welding repairs</p>	<p>a) Repaired by welding</p>

Section 3 – Brakes

No additional inspection requirements

Section 4 – Tyres and Roadwheels

Tyres - Condition

Method of Inspection	Reason for Rejection
<p>On all the tyres, including spare wheel - where fitted, examine each tyre meets all the requirements laid down in the MOT Inspection Manual for Car & Light Commercial Vehicles (ISBN 0- 9549239-0-1)</p> <p>Note 1 <i>Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.</i></p>	<p>In accordance with the MOT Inspection Manual for Car & Light Commercial Vehicles (ISBN 0-9549239-0-1)</p> <p>Note 2 <i>Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed and that space savers are a temporary 'get-you-home tyre'.</i></p>

Section 5 – Seatbelts

No additional inspection requirements

Section 6 – Body and Structure

Vehicle Body and Condition

Method of Inspection	Reason for Rejection
<p>Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.</p>	<ul style="list-style-type: none">a) An insecure or missing body panel, trim, step or accessory.b) Any sharp edge whatsoever which may cause injury.c) Heavy scuffing, abrasions or deformation to front and rear bumper.d) A single obvious dent or more than 3 obvious dents in any one panele) A significant amount of condensed stone chips in any of the areas on the vehiclef) Dull, faded paintwork which has lost its gloss finish or paint miss match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle.g) Evidence of poor repairs and or paint finish to a repaired panel(s) including runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle.h) Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs.i) Lack of clearly displayed or omission of 'No Smoking' signs

Vehicle Body, Security and Condition (Interior)

Any vehicle presented in a dirty, untidy condition will not be tested

Method of Inspection	Reason for Rejection
<ul style="list-style-type: none"> a) Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories. b) Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. c) Remove mats to inspect carpets underneath for cleanliness and wear. d) Examine interior lights, motion door locks and warning lights. e) Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters) f) Examine all windows ensuring they allow lowering and rising easily. g) Examine interior door locks, grab handles/rails safety covers h) Examine grills/partitions for security and condition i) Examine electrical wiring for condition, security, including intercom systems. 	<ul style="list-style-type: none"> a) Insecure and loose fixtures, fittings or accessories. b) Missing, dirty, soiled, stained worn or insecure trim, carpets, headlining, and mats. c) An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment) d) Missing or defective motion switch/lock or warning lamp not illuminated e) A system(s), which does not function correctly, or any part is missing including vents, controls and switches. f) An opening window that is inoperative or difficult to open and or close mechanism broken/missing. g) Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess. h) A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver. i) Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily

<p>j) Examine the boot for access, contents, cleanliness, and water ingress.</p> <p>In the case of novelty vehicles:</p> <p>k) All fixtures and fittings i.e. mirror balls, drinks cabinets, televisions etc. must be stored securely and not hinder the ingress or egress from the passenger compartment.</p> <p>l) A notice identifying the maximum seating capacity to be displayed in the passenger compartment and clearly visible to all passengers. It may be necessary to display more than one sign indicating the maximum seating capacity.</p>	<p>disconnected. Intercom system defective, warning light inoperative and signs illegible/missing.</p> <p>j) Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and or carpets, loose items stored in boot (i.e. spare wheel tools and equipment etc).</p> <p>k) Any fixture or fitting, that is loose or insecure or where walkways are blocked that prevents ease of ingress or egress from the passenger compartment.</p> <p>l) No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers</p>
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Doors and Seats

Method of Inspection	Reason for Rejection
<p>Door Configurations for wheelchair accessible vehicles:</p> <ul style="list-style-type: none">a) Single rear door – must open to a minimum of 90 degrees and be capable of locking in place.b) Twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place. This is to enable an attendant (driver or guide) to assist the wheelchair passenger if required.	<ul style="list-style-type: none">a) Door does not open to a full 90 degrees and cannot be secured in the open positionb) Twin doors do not open to a full 180 degrees and cannot be secured in the open position

Access and Egress

Method of Inspection	Reason for Rejection
<p>Passenger seating must allow for access and egress by means of a door</p>	<p>Seat does not have a dedicated door and does not allow access and egress</p>

Bumper Bars

Method of Inspection	Reason for Rejection
<p>Examine the bumper and check:</p> <ul style="list-style-type: none">a) They are secure to their mountingsb) The mountings are secure to the vehiclec) There is no evidence of damage	<ul style="list-style-type: none">a) A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs.b) A fractured mounting bracket. Mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. A bumper bar secured by wire or other temporary means is regarded as insecure and must be rejected.c) Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint miss match or fading which is significantly different to that of the rest of the paintwork

Section 7 – Fuel and Emissions

Exhaust System

Method of Inspection	Reason for Rejection
<p>Where applicable, check for presence, security and adequacy of grease shields to hot exhausts.</p>	<p>A heat shield missing, insecure or inadequate</p>

Fuel System – Pipes and Tanks

Method of Inspection	Reason for Rejection
<p>a) Examine fuel tank(s) for security and leaks</p> <p>b) Check that fuel tank filler caps are: Present Of the correct type Secure and seated properly</p> <p>c) Examine pipes to see they are securely clipped to prevent damage by chafing and cracking, and are not in a position where they will be fouled by moving parts</p> <p>d) Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system</p>	<p>a) Fuel tank insecure or leaking</p> <p>b) A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling</p> <p>Note: Temporary/emergency fuel caps are not permitted.</p> <p>c) Damaged, chafed, insecure pipes, or pipes so positioned that there is a danger of them fouling moving parts</p> <p>d) A fuel pipe immediately to or in direct contact with electrical wiring or exhaust system</p>

Section 8 – Drivers View of the Road

Mirrors

Method of Inspection	Reason for Rejection
<p>The number and position of all obligatory mirrors must be checked:</p> <p>a) Check the condition of each mirror reflecting surface and whether a person sitting in the driver's seat can see clearly to the rear</p>	<p>a) Mirror condition:</p> <p>A mirror reflecting surface deteriorated or broken.</p> <p>In such a position that a person sitting in the driver's seat cannot see clearly to the rear.</p>

Windscreen – View to the Front

Method of Inspection	Reason for Rejection
<p>Sit in the driver’s seat and check that there is reasonable view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>a) For all air operated wipers examine:</p> <ul style="list-style-type: none"> The condition of any visible piping The function of the operating mechanism, and The function of necessary valves to protect the braking system <p>Note: Equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the designed forward view of the driver. In particular, objects such as (but not limited to) pennants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers.</p>	<p>The position or size of any object restricts the driver’s view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>a) Air operated wipers</p> <ul style="list-style-type: none"> Pipes inadequately clipped or supported Incorrect function of the wipers or leaking components Incorrect operation of protection valves

Window Glass or Other Transparent Material

Method of Inspection	Reason for Rejection
<ul style="list-style-type: none"> a) Visually check the condition of all windscreens, internal screens, partitions, side, rear, roof and door windows for cracks, surface damage and discoloration. b) Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions. c) Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows. d) Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions e) For all vehicles first used before 1 January 1959. As far as is practicable, check that glass fitted to windscreens and outside windows facing to the front is safety glass, except glass fitted to the upper deck of a double deck bus. f) For all vehicles used on or after 1 January 1959, as far as is practicable, check that glass used for windscreens and all outside windows is safety glass, or safety glazing. g) Vehicles first used on or after 1 June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers' seat are made from safety glass displaying an acceptable safety mark. 	<ul style="list-style-type: none"> a) A crack, surface damage or discoloration in glass or other transparent material that impairs the driver's front, side, or rear view of the road, or presents a danger to any person in the vehicle. b) windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure. c) Any external window or windscreen is obviously leaking. d) A guard-rail or barrier at a window, internal screen or partition missing, insecure or damaged. e) The windscreen and/or any outside window facing to the front of a vehicle obviously not safety glass fitted to a vehicle first used before 1 January 1959. f) Glass used for a windscreen or an outside window is obviously not safety glass. g) For vehicles first used on or after 1 June 1978, that windscreens and/or other windows wholly or partly on either side of the driver's seat that are not made from safety glass display an acceptable safety mark
<p>Note: Marking is not required for safety glass used on vehicles first used before 1 June 1978.</p>	

Section 10 – Additional Requirements

Speedometer

Method of Inspection	Reason for Rejection
a) Check that a speedometer is fitted b) Check the condition of the speedometer c) Check that the speedometer can be illuminated.	a) Speedometer not fitted. b) Speedometer not complete or clearly inoperative, or dial glass broken or missing. c) The speedometer cannot be illuminated

Transmission

Method of Inspection	Reason for Rejection
Examine transmission, check for: a) Missing or loose flange bolts b) Cracked or insecure flanges c) Wear in shaft and/or wheel bearings d) Security of bearing housings e) Cracks or fractures in bearing housings f) Wear in universal joints	a) A loose or missing flange bolt(s) b) A flange cracked, or loose on the transmission shaft c) Excessive wear in shaft bearing d) A bearing housing insecure to its fixing e) A cracked or fractured bearing housing f) Excessive wear in a universal joint

<ul style="list-style-type: none"> g) Deterioration of flexible couplings h) Distorted, damaged shafts i) Deterioration of bearing housing flexible mountings j) Clearance between transmission shafts and adjacent components 	<ul style="list-style-type: none"> g) Deterioration of a transmission shaft flexible coupling h) A damaged, cracked or bent shaft i) Deterioration of a flexible mounting of a bearing housing j) Evidence of fouling between any transmission shaft and an adjacent component
<p>Front Wheel Drive</p>	
<p>Check the drive shaft inner and outer universal joint couplings and constant velocity joints for:</p>	
<p>Wear and Security</p>	<p>Drive shaft constant velocity or universal joint coupling worn or insecure</p>
<p>Damage to flexible rubber or fabric universal joints</p>	<p>A flexible rubber or fabric universal coupling unit damaged by severe cracking or breaking up</p>
<p>Security and oil contamination of flexible rubber or fabric universal joints</p>	<p>A flexible rubber or fabric universal coupling unit excessively softened by oil contamination or insecure</p>
<p>Condition, presence and security of constant velocity joint gaiters</p>	<p>A drive shaft constant velocity joint gaiter split, missing or insecurely mounted</p>

Engine and Transmission Mountings

Method of Inspection	Reason for Rejection
<p>Examine condition of:</p> <ul style="list-style-type: none"> a) Mountings b) Sub-frames c) Security to chassis and check for Fractures Looseness Deterioration 	<p>Any mounting or sub-frame</p> <ul style="list-style-type: none"> - loose - fractured - deteriorated - inappropriate repair

Oil and Water Leaks

Method of Inspection	Reason for Rejection
<ul style="list-style-type: none"> a) Check vehicle for oil and water leaks from any assembly or component to the ground. b) And/ or which could be deposited on surrounding bodywork or onto the exhaust system. <p>Note: If necessary, the engine can be run at idle speed to confirm the existence of an oil leak.</p>	<ul style="list-style-type: none"> a) An oil or water leak, from any assembly, which deposits fluids underneath the vehicle whilst stationary. b) Leaks which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and brake system so that it would: <ul style="list-style-type: none"> Contaminate areas Could potentially cause a health, safety or fire risk

Luggage/ Load Space

Method of Inspection	Reason for Rejection
<p>Physical separation is not so much an issue as is the safety of passengers in the event of an accident.</p> <p>The luggage should therefore be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Such security can be by means of a sheet or net, which could be anchored to the floor of the luggage area.</p> <p>Clearly if the luggage compartment is not physically separated from the passenger compartment then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged.</p>	<p>Load restraint system, if required, not present at time of test.</p> <p>Load restraint system faulty or unserviceable</p>

Section 11 – Ancillary Equipment

Wheelchair Restraint and Access Equipment

Method of Inspection	Reason for Rejection
<p>WHEELCHAIR RESTRAINT</p> <p>a) Where applicable check condition and operation of wheelchair restraint.</p> <p>b) A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces.</p> <p>WHEELCHAIR ACCESS & EQUIPMENT</p> <p>A vehicle shall be fitted with either of the following forms of wheelchair access equipment:</p> <p><u>Ramps</u></p> <p>c) Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering.</p> <p><u>Wheelchair lift</u></p> <p>d) A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheelchair lift will require a LOLER certificate that is valid for a period of six months from the date of issue.</p>	<p>a) A wheelchair restraint is defective, worn or missing.</p> <p>b) Wheelchair anchorage systems and devices does not conform to European Directive 76/115 EEC (as amended by 90/629 EEC).</p> <p>c) Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing.</p> <p>d) Vehicle not presented with a valid or current LOLER certificate access equipment:</p>

Note:

Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months.

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| <ul style="list-style-type: none"> e) Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250 kgs and certified to BS 6109. f) Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the near side of the vehicle, i.e. kerbside when stopped in a normal road. g) The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1,220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either, the upper face of the fully raised lift platform, or the upper face of the ramp fully deployed on level ground. h) A locking mechanism shall be fitted that holds the access door in the open position whilst in use. i) All wheelchair tracking must be fit for purpose and structurally sound | <ul style="list-style-type: none"> e) The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109. f) Wheelchair access equipment is fitted to the off- side access door of the vehicle. g) There is not clear headroom in the aperture within the central third of 48 inches (1,220mm). h) No evidence of a suitable locking mechanism to hold the door open. i) Damaged or insecure tracking or detritus deposits within the tracking rails |
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Fire Extinguisher

Method of Inspection	Reason for Rejection
<p>a) Check the fire extinguisher for presence:</p> <ul style="list-style-type: none">• the expiry date• Seal.• Type – water, CO₂ or foam or dry powder• Approved mark - BS5423 or EN3 <p>b) The fire extinguisher must be kept in an accessible position inside the vehicle. The extinguisher may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</p>	<p>a) A fire extinguisher is missing or:</p> <ul style="list-style-type: none">• out of date• broken or missing seal.• No approved marking visible or other non-approved marking shown <p>b) Not fitted in an accessible position or its position is not clearly marked</p>

First Aid Kit

Method of Inspection	Reason for Rejection
<p>a) Check the first aid kit for presence, the expiry date and the seal is intact.</p> <p>b) The first aid kit must be kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</p>	<p>a) A first aid kit is missing, out of date, broken or the seal has been broken.</p> <p>b) The first aid kit is not fitted in an accessible position or its position is not clearly marked</p>

Definition of Motor Vehicles

CATEGORY	DEFINITION
M	A motor vehicle with at least four wheels designed and constructed for the carriage of passengers
M1	Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat
M2	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding five tonnes
M3	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding five tonnes

APPENDIX H

Process for Plate Exemption (Private Hire Vehicles Only)

1. Proprietors of prestige type vehicles licensed as Private Hire vehicles, or Private Hire vehicles used in special circumstances, may seek the permission of the Authority to waive the conditions of their licence relating to the display of licence plates.
2. Prestige vehicles remain licensed as Private Hire vehicles and all journeys and contracts must be pre-booked through a licensed Operator, although such vehicles should be used solely to undertake prestige work and should not be despatched to customers in the ordinary way.
3. Proprietors wishing to obtain an Initial plate exemption will be asked to book an Assessment of their Vehicle with a Licensing & Enforcement Officer (LEO). This will allow the LEO to inspect the vehicle and to give further advice on the plate exemption procedure. If the vehicle is already licensed with Cambridge City Council, Proprietors **MUST** schedule the Assessment **AT LEAST** three weeks prior to their vehicle licence renewal date.
4. At the Assessment, the LEO will complete the Assessment Form and decide whether or not the Vehicle is deemed to be a prestige type vehicle. If so, the Proprietor will be given a Plate Exemption Application Form to complete.
5. The Proprietor will complete the Plate Exemption Application Form and submit to the LEO for final consideration (and pay the appropriate fee).
6. Newly licensed vehicles which are accepted as Executive/ Prestige type vehicles for the purposes of vehicle plate exemption will **not be entitled to have access within the restricted access area**. Existing vehicles transferring to plate exemption will be required to surrender their granted permission within the restricted access area.
7. In exceptional circumstances, applications may be considered part way through the life of an existing vehicle licence. This is at the discretion of the Licensing & Enforcement Manager. If an exemption is granted, the remaining term of the exemption will run until the vehicle licence end date.
8. The Licensing & Enforcement Officer will review the exemption application based on the information provided on the application form and the detail given as to why the request is being made.
9. If approved, the proprietor will be notified of the successful application and will be issued with the following:

- i) An agreement letter detailing that the vehicle is exempt from displaying a Private Hire Plate. The agreement is required to be carried on the vehicle at all times and to be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
- ii) A windscreen sticker for display in the front windscreen of the vehicle denoting that the same information as a Private Hire Vehicle Plate.
- iii) A Private Hire Vehicle Plate to be secured/ fixed into the boot of the vehicle.

10. If the exemption request is not approved, the Licensing & Enforcement Officer will write to the applicant giving reasons as to why the application has been refused.

11. Proprietors will make an application in the first instance and will not be expected to renew the exemption on an annual basis. However, if the licence is for a different vehicle to that which has been granted the initial exemption, then the Proprietor will need to make another application.

12. The following conditions will be attached to the licences of private hire vehicles where a plate exemption waiver has been made. These are detailed below:

- i) Vehicles granted a plate exemption waiver shall be used only for Prestige type hirings and shall not be used for standard private hirings.
- ii) The Operator receiving a booking for a plate exempted vehicle shall provide the hirer with details of the vehicle registration number and the name of the driver, prior to the hiring commencing.
- iii) The private hire identification disc issued by the Council shall be displayed within the front nearside of the windscreen at all times and legible from outside the vehicle.
- iv) The rear vehicle licence plate shall be securely fixed within the boot of the vehicle in a manner which enables it to be easily inspected.
- v) The driver's badge shall be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
- vi) The Council's agreement to a plate exemption is required to be carried on the vehicle at all times and to be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.

- vii) The driver of a plate exempted vehicle shall wear professional business attire.
- viii) The hirer shall not have the facility to settle accounts and / or tender direct payment to the driver by any means. Payment may only be made, either before or after the journey, direct to the Operator or their accounting system.
- ix) No alcoholic drink shall be sold or purchased in or from the vehicle.

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APPENDIX I

INFORMATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING

Vehicle Process

There are several things that you need to do/ to have in order to make a new or renewal application for a hackney carriage or private hire vehicle.

PLEASE NOTE THAT IF YOU ARE APPLYING TO:

- a) LICENCE A NEW WHEELCHAIR ACCESSIBLE VEHICLE ON AN EXISTING HACKNEY CARRIAGE PLATE (HCV123 or ABOVE), or;
- b) LICENCE A NEW WHEELCHAIR ACCESSIBLE VEHICLE ON A NEW PRIVATE HIRE PLATE

YOU WILL NEED TO CONTACT THE CUSTOMER SERVICE CENTRE IN THE FIRST INSTANCE, BEFORE COMMENCING ANY PART OF THE PROCESS, ON 01223 457888 IN ORDER TO DISCUSS WITH A MEMBER OF THE LICENSING TEAM.

Please note that there is the facility to request a call back during busier periods by pressing '1' at any point during the call.

For new non-wheelchair vehicles and licence renewals, the first action to be undertaken is to have the vehicle tested. The details of this process are set out below:

STEP 1 – BOOK A VEHICLE TESTING ‘TEST 1’ APPOINTMENT

Please telephone the Garage directly on 01223 458266 to book your appointment.

A range of appointments will be available from 06:30 to 17:30 Monday to Friday.

(You can also schedule your appointment with the Customer Service Centre (CSC) at this time to ensure your application can be processed within good time Tel: 01223 457888)

You will need to provide all details of the vehicle which needs to be tested (vehicle registration, make, model and plate number) and have read and understood these guidance notes.

STEP 2 – ATTEND THE GARAGE ‘TEST 1’ APPOINTMENT TO HAVE THE VEHICLE TESTED

PLEASE NOTE THAT THE GARAGE HAS RELOCATED AND FROM 3 OCTOBER 2016 all Taxi Vehicle Mechanical Testing will take place at the following Garage location :

Cambridge City Council
Fleet Maintenance and Management
Dickerson Industrial Estate
Ely Road
Waterbeach
CB25 9PG

The Council requires that all licensed vehicles are tested at least twice a year. The first test must be carried out prior to the grant of the Licence (when a Certificate of Compliance will be issued for 6 months) and the second test must be carried out prior to the expiry of the Certificate or Compliance issued on passing the first test.

The expiry date of the Certificate of Compliance will be:

- six months minus one day from the date of the test (for the first test);
- the expiry date of the Licence period (for the second test).

For a vehicle to pass a test, it must comply with both:

- Vehicle mechanical standard and;
- Vehicle visual standard

Before the test you must ensure that your vehicle is clean inside and out. You must be aware that dirty vehicles will not be examined and the test fee will still be due.

If you fail to attend the appointment or cancel at short notice (less than 24 hours) the test fee will still be payable in addition to the test(s) you actually attend.

STEP 3a – WHEN THE VEHICLE PASSES THE ‘TEST 1’

When the vehicle passes the ‘Test 1’ test, a Certificate of Compliance (COC) will be issued. At this stage while at the garage you must:

- Pay the vehicle test fee
- Book ‘Test 2’ date and time

STEP 3b – IF A VEHICLE FAILS THE ‘TEST 1’

In the event that a vehicle should fail ‘Test 1’, a failure sheet will be issued detailing the non-compliant areas which need to be addressed. The vehicle will need to have the repairs carried out either at the Garage, or at a garage of your choosing.

Once the repairs have been undertaken a ‘Re-Test’ appointment must be booked (within 10 days of the initial ‘Test 1’ date).

Please note that a vehicle cannot be used for hire and reward or pre-booked journeys without a current and valid Certificate of Compliance being in force. If a vehicle licence is in force when the vehicle is tested and it fails the test, the licence will be suspended.

The vehicle cannot be used again for Hackney Carriage or Private Hire purposes until either a test has been passed and the suspension has been lifted or where the

Licence expires following the suspension, until a new Licence is issued.

Where a vehicle licence has been suspended, the Council may attach a 'Licence Suspended' sticker to the licence plate or may remove the plate from the vehicle. A charge will be made to replace a suspended plate.

New Vehicle Applications

STEP 4 – OBTAINING THE VEHICLE LICENCE

Only once a Certificate of Compliance has been obtained, can the rest of the application process take place.

Please telephone the Customer Service Centre directly on 01223 457888 to book your appointment to obtain your vehicle licence and plates. Specify that this is a new vehicle which needs to be licensed.

If you are unable to make the scheduled appointment, you must advise the Customer Service Centre within a timeframe no later than two working days.

Please note that there is the facility to request a call back during busier periods by pressing '1' at any point during the call.

Please note the Customer Service Centre Opening Hours are:

Monday - Friday 9:00am - 5:15pm

Please note that the appointment will take no less than one hour so you will need to allow adequate time for this. At your appointment you will need to bring:

a) Completed Vehicle Application Form (INCOMPLETE APPLICATION FORMS WILL NOT BE PROCESSED)

Please ensure that you detail:

- i) The Vehicle Registration Number
- ii) Date of registration
- iii) Make, model and colour of the vehicle
- iv) Number of passengers
- v) Insurance details
- vi) Any Operator and/ or driver details
- vii) Full name, address, post code, date of birth, place of birth, contact information, criminal conviction information and declaration for ALL proprietors
- viii) **ALL Proprietors** have read the declaration on back and signed and dated the form

The proprietor (or at least one of the proprietors if there are more than one) must be the registered keeper of the vehicle and this must be shown on the logbook.

b) Certificate of Compliance

The COC issued by the Garage.

c) Insurance Certificate

A valid, up to date insurance certificate (original copy) must be provided at the appointment to cover the start of the new licence.

d) Vehicle Registration Document

The V5 for the Vehicle to be licensed. If the V5 is not available, the new keepers slip or a bill of sale must be provided.

e) Vehicle Type Approval Certificate

This can be either:

- (i) European Community Whole Vehicle (M1) Type Approval,
- (ii) M1 Low Volume Type Approval
- (iii) National Small Series Type Approval
- (iv) Individual Vehicle Approval

f) You **must** surrender (hand in) your existing plates (where applicable) before the new plates will be issued (Hackney Carriage Vehicles have one plate; Private Hire Vehicles have two plates).

g) Your most recent Disclosure & Barring Service (DBS) Certificate

Please note that if you are **NOT** currently a licensed driver with Cambridge City Council, you will be required to present an Enhanced DBS Certificate for your role as Proprietor.

All the documents presented to us must be the original and, where necessary, fully completed and the information must be accurate.

h) The correct fee.

As detailed in Appendix F (fees correct as at 1 April 2016), dependent on the Vehicle:

Renewal of Licences for Hackney Carriage and Private Hire Vehicles

Vehicle Licences will generally be issued for 1 year.

The application procedure is as outlined above (steps 1-3). A vehicle test may be booked at any time within the 30-day period immediately prior to the existing Licence expiring. Please ensure that the test is booked as far in advance as possible within this timescale to ensure that a Licence can be granted prior to the expiry of the existing Licence.

The responsibility for applying to renew a Licence rests solely with the Licence holder.

Only once a Certificate of Compliance has been obtained, can the rest of the application process take place.

Please telephone the Customer Service Centre directly on 01223 457888 to book your appointment to obtain your vehicle licence and plates.

If you are unable to make the scheduled appointment, you must advise the Customer Service Centre within a timeframe no later than two working days.

Please note that there is the facility to request a call back during busier periods by pressing '1' at any point during the call.

Please note the Customer Service Centre Opening Hours are:

Monday - Friday 9:00am - 5:15pm

Please note that the appointment will take no less than one hour so you will need to allow adequate time for this. At your appointment you will need to bring:

a) Completed Vehicle Application Form (INCOMPLETE APPLICATION FORMS WILL NOT BE PROCESSED)

Please ensure that you detail:

- i) The Vehicle Registration Number
- ii) Date of registration
- iii) Make, model and colour of the vehicle
- iv) Number of passengers
- v) Insurance details
- vi) Any Operator and/ or driver details
- vii) Full name, address, post code, date of birth, place of birth, contact information, criminal conviction information and declaration for proprietors
- viii) **Proprietors** have read the declaration on back and signed and dated the form.

Please note that if only one Proprietor signs the application form (and there is more than one proprietor), the person signing agrees that they are signing with the knowledge and consent of any other named proprietors for the vehicle licence. The vehicle licence will be issued in the name of all joint proprietors. Any changes can only be made by submitting a change of vehicle proprietor application.

The proprietor (or at least one of the proprietors if there are more than one) must be the registered keeper of the vehicle and this must be shown on the logbook.

b) Certificate of Compliance

The COC issued by the Garage.

c) Insurance Certificate

A valid, up to date insurance certificate (original copy) must be provided at the appointment to cover the start of the new licence.

d) Vehicle Registration Document

The V5 for the Vehicle to be licensed.

- e) **Your most recent Disclosure & Barring Service (DBS) Certificate**
Please note that if you are NOT currently a licensed driver with Cambridge City Council, you will be required to present an Enhanced DBS Certificate for your role as Proprietor.
- f) You **must** surrender (hand in) your existing plates before the new plates will be issued (Hackney Carriage Vehicles have one plate; Private Hire Vehicles have two plates).

All the documents presented to us must be the original and, where necessary, fully completed and the information must be accurate.

- g) **The correct fee.**
As detailed in Appendix F (fees correct as at 1 April 2016), dependent on the Vehicle:

STEP 6 – LICENCE AND VEHICLE PLATE

Your vehicle plate and licence will only be issued at the Customer Service Centre once you have passed all of the application procedures. There are no exemptions to bypass any area of the application procedures.

STEP 8 – ATTEND THE GARAGE ‘TEST 2’ APPOINTMENT TO HAVE THE VEHICLE TESTED (MID-YEAR TEST)

The ‘Test 2’ takes place six months after ‘Test 1’, and is booked at the time of ‘Test 1’ being passed, directly with the Garage.

In order to use the licensed vehicle you must be in possession of a valid Certificate of Compliance for the vehicle. At no time can the vehicle be used if the Certificate of Compliance has expired. It is the responsibility of the Proprietor(s) to ensure the vehicle testing, and associated documentation, is up to date. There are no exceptions.

STEP 8a – WHEN THE VEHICLE PASSES THE ‘TEST 2’

When the vehicle passes the ‘Test 2’ test, a Certificate of Compliance (COC) will be issued (once paid for at the garage).

STEP 8b – IF A VEHICLE FAILS THE ‘TEST 2’

In the event that a vehicle should fail ‘Test 2’, a failure sheet will be issued detailing the non-compliant areas which need to be addressed. The vehicle will need to be have the repairs carried out either at the Garage, or at a garage of your choosing.

Once the repairs have been undertaken a ‘Re-Test’ appointment must be booked (within 10 days of the initial ‘Test 2’ date) directly with the Garage.

Please note that a vehicle cannot be used for hire and reward or pre-booked

journeys without a current and valid Certificate of Compliance being in force. If a vehicle licence is in force when the vehicle is tested and it fails the test, the licence will be suspended.

The vehicle cannot be used again for Hackney Carriage or Private Hire purposes until either a test has been passed and the suspension has been lifted or where the Licence expires following the suspension, until a new Licence is issued.

Where a vehicle licence has been suspended, the Council may attach a 'Licence Suspended' sticker to the licence plate or may remove the plate from the vehicle. A charge will be made to replace a suspended plate.

Crests

Please note that crests for vehicles will only be available to purchase at Cashiers, Mandela House.

DRAFT

APPENDIX J

Information for New Hackney Carriage, Private Hire and Dual Drivers

Guidance

These guidance notes set down the procedure and steps that you need to follow in order to become a licensed driver with Cambridge City Council. There are a number of elements to the process which have different requirements and timescales. In order to assist you, please look out for this sign within this booklet:



This denotes action that you need to take or particular information which you need to understand and take note of.

Application Process

Some elements of the process require services to be accessed and/ or provided by other, external agencies for which there are set fees and charges. Please note that the City Council is not liable for any costs incurred by you as an applicant for these. There are several things that you need to do/ to have in order to make an application for a hackney carriage/ private hire/ dual licence:

STEP 1 – KNOWLEDGE TEST REGISTRATION

In order to commence the new driver application process you must first register to take a Cambridge City Council Knowledge Test. Only once you have passed the Knowledge Test may you continue with the application process.



In order to register for a Knowledge Test in the first instance you must complete a Driver Knowledge Test Registration Form which can be found online here: <https://www.cambridge.gov.uk/become-a-taxi-driver>



Once completed you must submit the form and pay the appropriate fee. A current list of our fees can be found online here: <https://www.cambridge.gov.uk/fees-for-taxi-licensing>



You can pay the fee by card over the telephone by calling 01223 457888. When you have paid you will be given a receipt number which must be entered on to your Registration Form.

STEP 2 – KNOWLEDGE TEST BOOKING

Once payment and your registration has been received, this will be logged on our system and a Knowledge Test date and time will be emailed to you within 10 working days.



If you are unable to make the date which has been scheduled for you, please contact the Customer Service Centre on 01223 457888 as soon as possible in order to rearrange the date.

STEP 3 – TAKING THE KNOWLEDGE TEST

The test is for private hire, hackney carriage and dual drivers and is a computerised multiple choice test comprising of 100 questions. **When attending the knowledge test you will need to produce your DVLA Driving Licence number (if you do not have the photo-card style driving licence you will need to produce an additional form of photographic ID). You will also need to provide your National Insurance Number. Please bring these with you when you attend. Failure to do so will result in you being unable to sit the test.**

To pass the Knowledge Test you will need to score 80% or above. Further information on the Test can be found further on within these guidance notes.

There is a charge for each attempt at the Knowledge Test and you are permitted a maximum of 4 attempts (where necessary to book tests 2, 3 & 4 please telephone the Customer Service Centre on 01223 457888).

If after a year from your Knowledge Test Registration you have not passed the Knowledge Test your details will be removed from our system.

Please note that no refunds are given in the event of missed or failed Knowledge Tests, or, as stated above, if you do not pass the Knowledge Test within a year.

STEP 4 - DRIVER APPLICATION



Please telephone 01223 457888 to book an application appointment. Please note that you can only do this once you have successfully passed the Knowledge Test and have been issued with the 'Confirmation of Passed Knowledge Test' document.

Please note that there is the facility to request a call back during busier periods by pressing '1' at any point during the call.

You will need to make an appointment at the Customer Service Centre to meet with a member of the Licensing Team in order to commence the second stage of the application process.

Please note the Customer Service Centre Opening Hours are:

Monday - Friday 9:00am - 5:15pm

You need to:

- Have been authorised to drive a car in the UK (e.g. held a full driving licence issued by a state in the European Economic Area) for a minimum of one year and hold a current DVLA UK photocard style driver's licence.
- Have read and understood these guidance notes.

STEP 5 – AT THE APPOINTMENT



You will need to bring to the appointment:

i) Completed Driver's Application Form

Please ensure that you detail:

- i) All names which you are or have been known by
- ii) The Town, County and Country in which you were born
- iii) Full five-year address history
- iv) Declaration of all live convictions including points on your driving licence
- v) Full Driving licence details
- vi) You have read the declaration on back and signed and dated the form
- vii) The application form must be filled in by yourself and NOT by someone on your behalf.

j) Evidence of eligibility to live and work in the UK

If appropriate you must provide one of the following:

- Passport
- Residence Permit
- Visa
- Sponsorship details
- Home Office correspondence

Further information on eligibility to live and work in the UK can be found further on within these guidance notes.

k) Identification for Disclosure & Barring Service (DBS) Check

You must provide one of the following:

- Passport
- Biometric Residence Permit
- Current Driving Licence
- Birth Certificate

Plus two of the following (not already used above):

- Passport
- Biometric Residence Permit
- Current Driving Licence
- Birth Certificate
- Marriage/ Civil Partnership Certificate
- Adoption Certificate
- HM Forces ID Card
- Firearms Licence
- Mortgage Statement (issued in the last 12 months)
- Bank or Building Society Statement (issued in the last 3 months)
- Bank or Building Society Account Opening Confirmation Letter (must still be valid)
- Credit Card Statement (issued in the last 3 months)

- Financial Statement e.g. pension or endowment (issued in the last 12 months)
- P45 or P60 Statement (issued in the last 12 months)
- Council Tax Statement (issued in the last 12 months)
- Work Permit or Visa (valid up to expiry date)
- Letter of sponsorship from future employment provider (must still be valid)
- Utility Bill (issued in the last 3 months)
- Benefit Statement e.g. child benefit, pension (issued in the last 3 months)
- Central or Local Government, Government Agency or Local Council Document giving entitlement e.g. from DWP, HMRC (issued in the last 3 months)
- EU National ID Card (must still be valid)

All the documents presented to us must be fully completed and the information must be accurate i.e. in the same surname (last name), first names, address, date of birth, National Insurance number etc

l) DBS Update Service Information if you have subscribed to the DBS Update Service you will need to bring the original DBS Certificate which you used to subscribe to the service in order that the necessary check can be undertaken.

m) Completed Data Protection Mandate Form Cambridge City Council employs the services of Intelligent Data Systems (IDS) which is a secure, fully managed, driving licence verification service which verifies an individual driving licence record and status securely.

From 8 June 2015, the paper counterpart to the photo card driving licence will not be valid and will no longer be issued by DVLA. Any endorsements will only be recorded electronically by the DVLA and in accordance with Data Protection. Therefore, **IT IS ESSENTIAL** that you inform us of any endorsements or driving convictions.

n) Certificate of Good Conduct (where required, please note that all applicants who have lived out of the UK for a period of 6 months or more within the last 5 years must provide a Certificate of Good Conduct from either their own Embassy or the countries where they have been resident. The certificate must be produced with a translation and bear the official seal of the Embassy.)

o) 2 passport sized photographs (these will be verified and used as your driver ID)

p) Confirmation of Passed Knowledge Test document your application will not progress if you are unable to present the original document at your appointment

q) The total fee for the DBS Check and the Data Check (A current list of our fees can be found online here: <https://www.cambridge.gov.uk/fees-for-taxi-licensing>)

STEP 6 – DRIVER AND VEHICLE STANDARDS AGENCY (DVSA) TEST

 Before you can be issued with a Hackney Carriage, Private Hire or Dual licence you must have passed the DVSA Test (**TEST TYPE:** Standard Driving Assessment). You must produce a valid, current DVSA Test Certificate to the

completion. You will need to contact the individual practice for their current fee.

STEP 9 – ASSESSMENT OF APPLICATION

Only once ALL required documentation has been received will your application be assessed by the Licensing Team.

 Please telephone 01223 457888 no more than 10 working days after the submission of ALL of your documentation in order to pay the appropriate licence fee.

STEP 10 – LICENCE AND BADGE

Your badge and licence will only be issued once you have passed all of the application procedures.

There are no exemptions to bypass any area of the application procedures and once all parts have been completed, and the fee paid, we will send you your badge and licence in the post within 10 working days.

APPENDIX K

KNOWLEDGE TEST

This is guidance on the knowledge test that is a mandatory part of the application process to be licensed to drive Hackney Carriages or Private Hire Vehicles. Its purpose is to give you direction on how to prepare for the test but it is not intended to be a comprehensive guide.

It is your responsibility to buy maps and use other resources to learn about Cambridge.

The test consists of 100 questions. You must attempt all sections of the test and you need to get 80 percent to pass. Therefore the more questions that you can answer the better your chances of passing.

Each question is multiple choice, there will be one correct answer and three wrong answers. You are required to select the answer which you think is correct. You will be allowed a maximum of two hours to complete the test and will be given the result of your test, there and then after you have completed it.

Content of the Test

The test is divided into 7 sections as detailed below:

General

Points of Interest

Numeracy

Conditions & Policy

Highway Code

Signage

Shortest Routes

As part of your revision for the test, you will need to be confident that you can demonstrate your knowledge of the statutory obligations and Council conditions for Hackney Carriage/ Private Hire/ Dual Drivers. For this, you will need to study the information contained in the Taxi Guide. Questions will include (but not be limited to) matters such as:

- the difference between Hackney Carriage and Private Hire
- how do you charge fares, by meter or quote
- what you should do with the paper licence and badge issued by us

- how and when you should let us know about any convictions, change of address or accident damage
- seat belt laws
- how to assist passengers with luggage
- disability awareness

You will also be required to demonstrate your knowledge of Cambridge, i.e.

- all streets within the city boundary
- the locations that a resident or someone visiting Cambridge might wish to go.

In addition to this, places of interest will be listed and you must state the street on which they are located. These places of interest will include (but not be limited to):

- all colleges, porters lodges and anything to do with university, eg the sports grounds, libraries and conference centres
- public houses, nightclubs and members' clubs
- restaurants and take-aways
- theatres
- cinemas
- hospitals
- hotels and bed and breakfasts
- sports centres and swimming pools

Details of licensed pubs, clubs, restaurants, takeaways, theatres and cinemas are available on the Council's Licensing Act 2003 [public register](#). A list of premises names and addresses can be obtained by selecting 'Premises Licence' or 'Club Premises Certificate' from the first drop down list and clicking 'Search'.

In the shortest route section of the test, each question will detail two locations/streets. You must select the route that you would take to complete each journey using the shortest route.

APPENDIX L

VEHICLE INCIDENT PROCEDURE

1. Scope and Background

- 1.1 Cambridge City has the responsibility of licensing both the hackney carriage and private hire trades in order to protect the public. The procedures which are set down exist to ensure that an individual is a 'fit and proper' person to hold a licence.
- 1.2 Cambridge City Council must be satisfied that licensed vehicles are safe and suitable to transport passengers.
- 1.3 If a licensed vehicle is involved in any collision or incident, the licence holder is required to notify the Council of this and provide details. The licence holder must also advise if the vehicle is to be withdrawn from service due to the damage sustained (please see Replacement Vehicle Procedure for additional guidance in this situation).

2. Process

- 2.1 If a licensed vehicle is involved in a collision or incident it must be reported to the Council as soon as is reasonably practicable and definitely within 72 hours of the time of the collision or incident.
- 2.2 Ideally, photographic evidence should be supplied to the Council so that this can be retained on file. A minimum of 4 photographs, with close ups, to show the particular damage.
- 2.3 This applies to collisions and significant damage or defects which may impact on the mechanical use or appearance of the vehicle. Repeated minor damage over a period of time could affect the performance and safety of the vehicle.
- 2.4 When reporting the collision or incident to the Council a Vehicle Incident Form must be completed with the details of the incident, such as the plate and registration of the vehicle involved, the damage sustained, and whether the vehicle is being withdrawn from service.

It may also be necessary for photographs of any damage to also be submitted, depending on the severity of the incident, when submitting the form.

- 2.5 Once completed, the form and photographs can be submitted to the council by email to taxi@cambridge.gov.uk or by visiting the Customer Service Centre at Mandela House.
- 2.6 Depending on the nature of the incident, the severity of the damage or any other applicable factors, a Licensing and Enforcement Officer may request to inspect the vehicle. In this case, the proprietor will be contacted by the Licensing and Enforcement Officer in order to arrange for a vehicle inspection to be undertaken.
- 2.7 Following the inspection, and if the vehicle can still be driven, the proprietor of the vehicle will be given one month from the date of the accident being reported for the repair works to be completed. This would apply mainly to minor cosmetic damage (such as a broken wing mirror, or scratch) which will not normally require a mechanical inspection, unless the Licensing & Enforcement Officer believes that there may have been mechanical damage caused by the accident.
- 2.8 If the vehicle is not repaired within that time, the vehicle licence could be suspended for a period of time for the repairs to be completed. If the repairs are not completed the licence could be considered to be suspended or revoked.
- 2.9 Once the vehicle has been repaired, it will need to be inspected by a Licensing & Enforcement Officer to ensure that the repairs are satisfactory.
- 2.10 If the vehicle cannot be driven, the vehicle licence will be suspended immediately for the repair work to be carried out.
- 2.11 If the vehicle is not repaired within one month, the vehicle licence could be suspended for a period of time for the repairs to be completed. If the repairs are not completed the licence could be considered to be suspended or revoked.
- 2.12 In both cases, the Licensing & Enforcement Officer will confirm whether a further mechanical fitness test is required. If so, the Certificate of Compliance must be presented as requested to the Licensing Office before the vehicle

licence suspension will be lifted.

- 2.13 If the vehicle does not meet the visual vehicle standards (in relation to cosmetic damage) then it will need to undergo a mechanical fitness test.
- 2.14 If the vehicle is written off by an insurer, the licence will be suspended immediately and the licence plates must be returned to the Licensing Team as soon as is reasonably practicable definitely within 72 hours.
- 2.15 If a proprietor wishes to use a replacement vehicle, an application for a Replacement Vehicle Licence can be made (for a period of up to 3 months) as set down in the Replacement Vehicle Procedure.

3. Administration

- 3.1 Records of accidents and/ or incidents (along with details of repairs, photographs and inspection notes) will be held on file.
- 3.2 From the report of an incident, we may use the information if there is a complaint or legal challenge relevant to this process. We may check the information collected. We may also use or pass to certain third parties information to prevent or detect crime, to protect public funds, or in other ways as permitted by law.

APPENDIX M

REPLACEMENT VEHICLE PROCEDURE

4. Scope and Background

- 4.1 Cambridge City has the responsibility of licensing both the hackney carriage and private hire trades in order to protect the public. The procedures which are set down exist to ensure that an individual is a 'fit and proper' person to hold a licence.
- 4.2 The council must be satisfied that licensed vehicles are safe and suitable to transport passengers; hence the requirement for notification of all accidents to licensed vehicles.
- 4.3 Cambridge City Council recognises that in some instances it may be necessary for a Hackney Carriage or Private Hire Vehicle to undergo urgent repair or maintenance work.
- 4.4 In these circumstances, the vehicle proprietor can make an application and pay the appropriate fee for a Temporary Replacement Vehicle Licence or a Replacement Vehicle Licence.

5. Process

- 5.1 If a licensed vehicle is involved in any collision or incident, the licence holder is required to notify the Council of this and provide details using the Vehicle Incident Form. The licence holder must also advise if the vehicle is to be withdrawn from service due to the damage sustained.
- 5.2 If the Vehicle cannot be driven, requires major repair works or is written off then an application for a Temporary Replacement Vehicle Licence or a Replacement Vehicle Licence can be made using the Replacement Vehicle Application Form.

Temporary Replacement Vehicle Licence	New Vehicle on an Existing Plate
Where the original licensed vehicle is sent off for work/ repair and during that time a temporary “red licence plate” is issued for a maximum of 3 months.	If the original licensed vehicle is written off and no longer able to be used a new vehicle on an existing plate can be applied for and subsequently granted in line with the application requirements.

- 5.3 Any Temporary Replacement Vehicle must undergo a mechanical fitness test and the Certificate of Compliance, V5 and relevant insurance must also accompany the application form.
- 5.4 In the instance of a new vehicle on an existing plate, the process for new vehicles will be followed.
- 5.5 The process for vehicle testing and licence issue is the same as that for ordinarily licensing a vehicle:
- i) Vehicle Test at Garage (CoC obtained)
 - ii) Appointment made with Licensing Team, at Customer Service Centre (01223 457888)
 - iii) Appointment attended with necessary documentation and “old” vehicle plates
 - iv) Appropriate fee paid
 - v) Licence and plates issued
- 5.6 Any vehicle which is used as a Temporary Replacement Vehicle will be subject to meeting the requirements of the Age Limit/ Emissions policy.
- 5.7 Please note that all new wheelchair accessible vehicles will **only** be considered acceptable for licensing as a Hackney Carriage Vehicle or Wheelchair Accessible Private Hire Vehicle if it has been through one of the following type approval schemes and unaltered since that time:
- (i) European Community Whole Vehicle (M1) Type Approval,
 - (ii) M1 Low Volume Type Approval
 - (iii) National Small Series Type Approval
 - (iv) Individual Vehicle Approval

5.8 In the case of a Temporary Replacement Vehicle, once the administration process is complete, the vehicle will be issued with a temporary “red licence plate”. The plate will look visibly different and the plates for the original, existing vehicle must be surrendered to the Licensing Team until such a time that the vehicle is repaired and the original licence and vehicle plates can be reinstated.

5.9 It is the proprietors responsibility to ensure that any changes to timescale or works being completed on the vehicle are updated to the Licensing Team so that this can be held on record. This can be done via email taxi@cambridge.gov.uk or telephone 01223 457888.

5.10 After repair works, the original vehicle will be subject to a Compliance Check to ensure it is safe and suitable for transporting passengers.

5.11 Once agreed that the original vehicle can continue in service, the Temporary Replacement Vehicle licence and plate must be surrendered to the Licensing Team. The original vehicle licence and plate will then be reinstated for the duration of the original licence period.

5.12 The fees for the Temporary Replacement Licence are set out below:

Hackney Carriage:

Temporary Replacement Licence £225

Replacement Licence £225

Private Hire:

Temporary Replacement Licence £225

Replacement Licence £225

5.13 Please note that if the vehicle is off the road at the time of the existing vehicle licence renewal, then the renewal application must be submitted in good time before the expiry date of the licence.

APPENDIX N

GUIDANCE FOR RENEWAL DRIVER APPLICANTS

PART 1 – MAKE YOUR RENEWAL APPOINTMENT

If you wish to renew your driver licence you must make an appointment do to so. Please contact the Customer Service Centre, Regent Street on 01223 457888 to arrange an appointment for your licence application to be processed.

Please note that there is the facility to request a call back during busier periods by pressing '1' at any point during the call.

Please note the Customer Service Centre Opening Hours are:

Monday - Friday 9:00am - 5:15pm

The licence may be renewed for either one year or three years but please note that the Disclosure and Barring Service (DBS) check is **MANDATORY** when applying for a three year licence, regardless of when the last DBS check was carried out. (DBS is the new name for the former CRB check)

If a DBS check **IS REQUIRED** then you will need to make an appointment **AT LEAST** eight weeks in advance of your licence expiry date. The DBS application and your licence renewal will both take place at this appointment.

PLEASE NOTE THAT IF YOU REQUIRE A DBS CHECK AND FAIL TO APPLY WITHIN THE SPECIFIED TIMESCALE, YOU WILL BE UNABLE TO DRIVE A LICENSED VEHICLE FOR WORK OR PRIVATE USE UNTIL THE DISCLOSURE HAS BEEN RETURNED, SIGNED OFF BY THE LICENSING TEAM AND YOUR LICENCE SUBSEQUENTLY ISSUED.

There are no exceptions.

If a DBS check **IS NOT REQUIRED** then please do not make your appointment for a date more than one month, but not less than two weeks, in advance of your licence expiry date.

PART 2 – IN PREPARATION FOR YOUR APPOINTMENT

BEFORE your appointment you will need to:

a) Complete the Driver's Renewal Application Form

Please ensure that you detail:

- The type and duration of licence you are applying for
- All names which you are or have been known by
- The Town, County and Country in which you were born
- Full five-year address history
- Whether you have any spent or unspent convictions

- Prosecutions, convictions, cautions, fixed penalty notices and/ or driving licence endorsements
- Full Driving licence details (bring DVLA photo card)
- Any information relating to previous refusal, revocation or suspension of a licence
- Whether you are currently under any criminal investigation or have any pending court cases
- Whether you have the right to live and work in the UK and any restrictions on your right to remain in the UK
- That you have read the declarations and signed and dated the form

Please note that the application form must be filled in by yourself and NOT by someone on your behalf.

- b) Complete, sign and date the Data Protection Mandate Form** Cambridge City Council employs the services of Intelligent Data Systems (IDS) which is a secure, fully managed, driving licence verification service which checks an individual driving licence record and status securely.

From 8 June 2015, the paper counterpart to the photocard driving licence will not be valid and will no longer be issued by DVLA. Any endorsements will only be recorded electronically by the DVLA and in accordance with Data Protection. Therefore, **IT IS ESSENTIAL** that you inform us of any endorsements or driving convictions.

A review of the application process has been undertaken to look at the recent change and, at this stage, given the administration required versus the cost and resources in place; the Council will remain subscribed to IDS in order to carry out the secure online check.

What this means for you is that the Data Mandate Check and fee payable (£8 per year) remains in place and part of Cambridge City Council's licensing process.

- c) In the case of three year driver licence and badge renewals you will need to obtain two passport sized photographs which will be verified and used as your driver ID**
- d) Obtain a medical certificate, following a medical, with one of the Council's approved medical examiners (if applicable, see Part 5).**

Please note that the medical assessment certificate MUST be provided to the Licensing Team NO LATER THAN 14 DAYS AFTER THE DATE THE MEDICAL IS DUE.

PART 3 – AT THE APPOINTMENT

At your appointment you will need to bring:

- e) Completed Driver's Renewal Application Form**
- f) Evidence of eligibility to live and work in the UK**
If appropriate you must provide one of the following:
- Passport

- Residence Permit
- Visa
- Sponsorship details
- Home Office correspondence

g) DVLA licence

h) Identification for Disclosure & Barring Service (DBS) Check (where required)

You must provide the following (if applicable and valid):

- Passport (if you have a 'live' passport, you must provide this)
- Biometric Residence Permit
- Current Driving Licence
- Birth Certificate

Plus two of the following:

- Passport
- Biometric Residence Permit
- Current Driving Licence
- Birth Certificate
- Marriage/ Civil Partnership Certificate
- Adoption Certificate
- HM Forces ID Card
- Firearms Licence
- Mortgage Statement (issued in the last 12 months)
- Bank or Building Society Statement (issued in the last 3 months)
- Bank or Building Society Account Opening Confirmation Letter (must still be valid)
- Credit Card Statement (issued in the last 3 months)
- Financial Statement e.g. pension or endowment (issued in the last 12 months)
- P45 or P60 Statement (issued in the last 12 months)
- Council Tax Statement (issued in the last 12 months)
- Work Permit or Visa (valid up to expiry date)
- Letter of sponsorship from future employment provider (must still be valid)
- Utility Bill (issued in the last 3 months)
- Benefit Statement e.g. child benefit, pension (issued in the last 3 months)
- Central or Local Government, Government Agency or Local Council Document giving entitlement e.g. from DWP, HMRC (issued in the last 3 months)
- EU National ID Card (must still be valid)

i) **DBS Update Service Information** if you have subscribed to the DBS Update Service you will need to bring the DBS Certificate which you used to subscribe to the service in order that the necessary check can be undertaken.

j) **Certificate of Good Conduct** (where required, please note that all applicants who have lived out of the UK for a period of 6 months or more within the last 5 years must provide a Certificate of Good Conduct from either their own Embassy or the countries where they have been resident. The certificate must be produced with a translation and bear the official seal of the Embassy.)

All the documents presented to us must be fully completed and the information must be accurate i.e. in the same surname (last name), first

names, address, date of birth, National Insurance number etc

- k) **Completed Data Protection Mandate Form**
- l) **2 passport sized photographs** (in the case of all three year renewals)
- m) **The full correct fee** (see part 4 below)
- n) **The original medical certificate issued by the doctor** (where applicable).

Please ensure that you have all the necessary documentation with you at the appointment. Failure to do so could result in your appointment being retracted and rearranged for a later date, and this may delay the issue of your licence.

PART 4 – FEES

All the correct fees can be found in Appendix F.

PART 5 – GROUP II Medical Certificate

If required, you must arrange to have a Group II Medical Assessment. You can either do this with your own GP or, if your GP is unable to undertake the assessment, with the Council's approved medical practice for a medical examination.

The original form and certificate is then submitted to the Licensing Office as part of the new driver or renewal driver application process.

Medicals are required at initial application and then at the following birthdays: 25, 30, 35, 40, 45, 50, 55 & 60.

For holders of current PSV and/ or HGV licences, who can produce evidence of a current medical examination, the Council will accept the PSV/ HGV entitlement in lieu of a medical at age 45, 50, 55 & 60.

PLEASE NOTE THE FOLLOWING:

- a) **If a medical is required and you are requesting a 1 year licence, the medical must be provided at the renewal appointment.**
- b) **If a medical is required and you are requesting a 3 year licence, the medical must be provided to the Licensing Team no later than 14 days after the date the medical is due.**

FAILURE TO PROVIDE AN UP TO DATE MEDICAL ASSESSMENT CERTIFICATE COULD RESULT IN THE SUSPENSION OR REVOCATION OF YOUR LICENCE.

PART 6 – AFTER THE APPOINTMENT

Upon receipt of your DBS Certificate, you will need to allow the Licensing Officer to have sight of this so they can assess whether any further action is required. **This applies to ALL individuals who complete a DBS application, regardless of any information previously disclosed or expected to be disclosed.**

You can either:

- i) Hand deliver the certificate in a sealed envelope or;
- ii) Send the certificate in a sealed envelope via the post to:

STRICTLY PRIVATE & CONFIDENTIAL – OPEN ADDRESSEE ONLY

DBS Counter Signatory
Licensing Team
PO Box 700
CB1 0JH

Only once all of the correct documentation has been confirmed as being received, accurate and processed in accordance with the Council's guidelines; your new licence and badge will be sent to you approximately 10 working days before expiry of the existing badge. If there is insufficient time for this to take place, we will contact you to arrange for you to collect the badge. When you receive your new badge, you must safely and securely destroy the old badge.

Your badge and licence will only be issued once you have passed all of the renewal application procedures. It is therefore most important that you allow sufficient time for the processing of all parts of your renewal application, or you may not be able to work for a period until they have.

There are no exemptions to any of the renewal application procedures.

APPENDIX O

DRIVER EXEMPTIONS

The Equality Act 2010 places responsibility on service providers to make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

The Act (s. 166) allows licensing authorities to grant exemption to drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

The authority is committed to social inclusion and ensuring that disabled residents and visitors to the city have a wide variety of opportunities to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that "Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment and healthcare, as well as social and family life, is significantly improved when journeys become accessible." For this reason, the council considers it important that disabled residents and visitors have access to all forms of public transportation.

It is important that individuals who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them, their wheelchair and/ or their assistance dog and carry them to their destination at no extra charge.

Legislation

The Equality Act 2010 (s. 165) places certain duties on drivers of wheelchair accessible Private Hire and Hackney Carriage Vehicles;

- i) To carry the passenger while in the wheelchair, and;
- ii) Not to make any charge for doing so.
- iii) Should the passenger choose to sit in a passenger seat, to carry their wheelchair,
- iv) To take such necessary steps to ensure that the passenger is carried in safety and reasonable comfort, and;
- v) To give the passenger such mobility assistance as is reasonably required.

In addition to this the Act (s. 168 & 170) also places the following duty on drivers of Hackney Carriage and Private Hire drivers:

- i) To carry the passenger's (guide, hearing or assistance) dog, allowing it

to remain with the passenger and not make any additional charge for doing so.

It is an offence (s. 168) for the driver of a Hackney Carriage that has been hired by or for a disabled person who is accompanied by an assistance dog (or by another person who wishes to be accompanied by a disabled person with an assistance dog) to fail to carry the disabled person's dog and allow it to remain with that person or to make any additional charge for doing so, unless an exemption certificate has been issued by Cambridge City Council and that certificate is displayed within the vehicle.

It is an offence (s. 170) for the Operator of a Private Hire vehicle to fail or refuse to accept a booking for the vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog. The operator also commits an offence if they make an additional charge for carrying an assistance dog which is accompanying a disabled person.

It is an offence (s. 170) for the driver of a Private Hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog, unless an exemption certificate from the requirement to carry assistance dogs has been issued by the Council and that certificate is displayed within the vehicle.

Medical Exemption

In some circumstances a driver of a Hackney Carriage or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, short or long term.

The Act (s. 166) allows licensing authorities to grant exemption to drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

The Act (s. 169 & 171) also allows licensing authorities to grant exemption to drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so, on medical grounds.

Other Exemptions

There are no exemptions, medical or otherwise, for a Hackney Carriage or Private Hire driver in respect of conveying a reasonable quantity of luggage or providing reasonable assistance in the loading and unloading of luggage.

Hackney Carriage Bye laws state that every driver of a Hackney Carriage vehicle,

when requested by any person hiring or seeking to hire the carriage shall:

- i) Convey a reasonable quantity of luggage
- ii) Afford reasonable assistance in loading and unloading luggage
- iii) Afford reasonable assistance in removing luggage to or from the entrance of any house, station or place at which they may take or set down a passenger

Private Hire driver licence conditions state that the driver must give reasonable help with luggage.

If a Hackney Carriage driver or a Dual driver (working as a Hackney Carriage driver) offends against the Bye Law they shall be liable, upon conviction, to a fine not exceeding fifty pounds. In the case of a continuing offence to a further fine not exceeding two pounds for each day which the offence continues after conviction.

If a Private Hire driver or a Dual driver (working as a Private Hire driver) is unable to observe their driver licence conditions they shall be subject to the Council's Enforcement Management System.

The Enforcement Management System will give an indication of when a licence holder will be referred to the Licensing Sub Committee as a result of the accumulative effect of any or all of the following: breaches of the legislation governing Hackney Carriage and Private Hire licensing; the Council's conditions of licence; the Council's Grounds for Disbarment; any breaches of this policy.

Process

In the first instance, the driver must obtain a written doctor's note from their own General Practitioner detailing specifically what duties cannot be undertaken, why they cannot be undertaken and for how long they cannot be undertake.

Along with the doctor's note, the driver must complete and submit an 'Application for Medical Exemption' Form to the Licensing & Enforcement Team.

If the doctor's note states that the driver is unfit to carry passengers in wheelchairs and/ or assistance dogs for a specified period of time (up to a maximum of three months), a 'Temporary Exemption Notice' will be issued by the Licensing & Enforcement Team with an expiry date in line with the information provided on the doctor's note.

If the doctor's note is not clear or is ambiguous in any way, the matter will be referred to the Licensing Sub- Committee for consideration.

Upon the expiry of the Notice, the Licensing & Enforcement Team will deem drivers fit to undertake all duties and the Temporary Exemption Notice must be returned to the Licensing & Enforcement Team within 7 days.

If the Temporary Exemption Notice is not returned to the Licensing & Enforcement

Team, the drivers licence could be suspended until such time as the Notice is returned, following referral to the Licensing Sub-Committee.

If the driver expects that the Temporary Exemption Notice to be extended, then **prior to the expiry date of the notice** the driver will need to contact the Licensing & Enforcement team to discuss the next steps and timescales.

In this situation, the driver will receive an information pack containing:

- a letter of notification advising that they will now be subject to a further medical referral.
- a letter to present to their GP which explains the exact requirements and;
- a letter to present to the approved medical practitioner along with a Statement of Fitness.

The driver will be required to contact their own GP to arrange for a more in depth medical report to be compiled (the cost for which must be borne by the driver) and following receipt of this, will then be required to make an appointment with the approved medical practitioner to present the report from their own GP and to undergo an examination/ consultation where the practitioner will complete the 'Statement of Fitness' on the applicant's capability to undertake the duties in terms of their medical grounds and/ or physical condition, and for how long.

The driver will need to submit the 'Statement of Fitness' to the Licensing & Enforcement Team for determination.

Outcome

If the statement confirms that the driver is able to undertake the duties and is fit for work, the Temporary Exemption Notice must be returned to the Licensing Office and the driver will be expected to resume normal duties. If the Temporary Exemption Notice is not returned to the Licensing & Enforcement Team, the drivers licence could be suspended until such time as the Notice is returned, following referral to the Licensing Sub-Committee.

If the statement confirms that the driver is able to undertake duties, with reasonable adjustments, a further Temporary Exemption Notice of up to three months may be issued. It is expected that within those three months the driver will undertake the reasonable adjustments to allow a return to full duties. At the end of three months the Temporary Exemption Notice must be returned to the Licensing and Enforcement Team and the driver will be expected to resume normal duties. If the Temporary Exemption Notice is not returned to the Licensing & Enforcement Team, the drivers licence could be suspended until such time as the Notice is returned, following referral to the Licensing Sub-Committee.

If the statement confirms that the driver is temporarily unfit to carry passengers in wheelchairs and/ or assistance dogs, a Temporary Exemption Notice will be granted for the length of time as determined by the approved practitioner. The driver will then be expected to attend a further assessment/ consultation with the approved practitioner prior to the expiry date of the Temporary Exemption Notice.

If the driver is declared permanently unfit to carry passengers in wheelchairs and/ or assistance dogs an Exemption Notice will be issued. The notice will include a photograph of the driver (provided by the driver) who has been granted the exemption and must be displayed prominently in the vehicle for public viewing. The exemption may be reviewed every one to five years, with reference to expert medical evidence/ advice and each case will be determined on an individual basis. This could include a further referral to the approved practitioner.

If the driver disagrees with the medical recommendation and subsequent determination by the Licensing & Enforcement Team, the matter will be referred to the Licensing Sub- Committee for consideration.

Appeal

If a driver does not agree with the decision to of the Licensing Sub -Committee they are able to appeal the decision to the Magistrates' court. The driver has 28 days from the date of refusal to appeal. Further documentation relating to Medical Exemption can be found online here:

<https://www.cambridge.gov.uk/exemptions-for-taxi-drivers>

APPENDIX P

GUIDANCE FOR PRIVATE HIRE OPERATORS

Application

All applicants, existing licence holders, part owners or other persons with an interest in an Operator's Licence are required to show that they are fit and proper persons to hold such a licence.

- A **NEW** application will last for one year.
- A **RENEWAL** application can last for either:
 - i) One year; or
 - ii) Up to five years.

There are several things that you need to do/ to have in order to make new or renewal application for an Operator's licence:

STEP 1 - INITIAL CONTACT

In order to activate a new or renewal Private Hire Operator inspection visit you must contact the Licensing Team in order to book a mutually convenient date and time.

You can book:

- 1) Via email: taxi@cambridge.gov.uk
- 2) Via telephone: 01223 457888

Please note that there is the facility to request a call back during busier periods by pressing '1' at any point during the call.

New and renewal applications are by appointment only and it is only by these means that you can commence the application process.

You need to:

- Have read and understood these guidance notes.
- Completed all necessary elements of the new or renewal application process (points a) – i) below) prior to the inspection visit taking place.
- In the event of a renewal, ensure that the inspection visit takes place prior to the expiry date of the licence.

There are no exceptions.

STEP 2 – AT THE INSPECTION VISIT

At the inspection visit, you will need to provide:

a) Operator Licence Application Form

Please ensure that you detail:

- a. The Company Details
 - b. Email address for correspondence
 - c. The Operator Address
 - d. Any additional relevant information (e.g. Planning permission, radio licence)
 - e. Personal details of the applicant(s)
 - f. Declaration of convictions
 - g. Any other relevant information (e.g. business history)
 - h. For new applicants, details of two referees
 - i. That you have read the declarations and signed and dated the form in the correct places
 - j. The application form must be filled in by yourself and NOT by someone on your behalf.
- c) Proof of Planning Permission granted** (in respect of waiting room for members of the public)
- d) Public Liability Insurance Document**
- e) Two references, at least one from a Professional person (e.g. accountant, solicitor, magistrate), who has known you at least two years, completed on the PHO Reference Proforma** (new applications only)

It is your responsibility to:

- Detail the name and contact information on your Operator Application Form of two referees
- Request each of your referees to complete a Private Hire Operator Reference Proforma and return it to you as soon as possible
- Pay any necessary costs to the referee/ organisation if applicable
- Bring the original copies of the completed reference proforma to your appointment

A copy of the Operator Reference Proforma can be downloaded from our website <https://www.cambridge.gov.uk/taxi-operator-licence>

Each reference will only be accepted if it is dated no more than 1 month prior to your application appointment.

- f) **Evidence of eligibility to live and work in the UK (e.g. Passport, Residence Permit)** (new applications only)
- g) **Photographic identification which includes a specimen signature (e.g. driving licence or Passport)**

h) Proof of address

Acceptable address identification must be one of the following:

- Mortgage Statement (issued in the last 12 months)
- Bank or Building Society Statement (issued in the last 3 months)
- Bank or Building Society Account Opening Confirmation Letter (must still be valid)
- Credit Card Statement (issued in the last 3 months)
- Financial Statement e.g. pension or endowment (issued in the last 12 months)
- P45 or P60 Statement (issued in the last 12 months)
- Council Tax Statement (issued in the last 12 months)
- Utility Bill (issued in the last 3 months)
- Benefit Statement e.g. child benefit, pension (issued in the last 3 months)
- Central or Local Government, Government Agency or Local Council Document giving entitlement e.g. from DWP, HMRC (issued in the last 3 months)

- i) **Enhanced DBS Disclosure** (for any new or renewal applicant who IS NOT already a licenced driver with Cambridge City Council)

You must arrange to have a Enhanced DBS Disclosure unless you already hold a Hackney, Private Hire or Dual Licence with Cambridge City Council.

This must be dated no more than 1 month prior to the date of the inspection visit. The applicant is also responsible for renewing this every three years, in line with Cambridge City Council's standard of determining a potential licence holder as 'fit and proper' to hold a licence.

It is your responsibility to:

- Complete and pay for a basic disclosure certificate
- Submit the disclosure certificate to the Licensing Office as soon as possible.
- Ensure that you complete and pay for a basic disclosure upon every licence renewal date, and submit to the Licensing Office as part of your renewal

- j) **The correct fee**

- For New PHO Applications (1 Year) £150
- For Renewal PHO Applications (1 Year) £150
- For Renewal PHO Applications (5 Year) £640

- k) **Inspection (for new applicants)** an inspection will be undertaken by a member of the Licensing & Enforcement Team where you will submit your application and relevant documentation. At the conclusion of the inspection, you will be notified if you have successfully passed the inspection for subsequent approval of an Operator's licence.

Within 24hours of the inspection concluding, the Inspecting Officer will electronically issue a copy of a temporary operator's licence until their application is processed. The temporary licence will only be valid for 21 days

Within 14 days following the inspection date, an operator's licence will be fully

processed and dispatched within the Licensing and Administration function.

- l) **Inspection (for renewal applicants)** an inspection will be undertaken by a member of the Licensing & Enforcement Team where you will submit your application and relevant documentation. At the conclusion of the inspection, you will be notified if you have successfully passed the inspection for subsequent approval of an Operator's licence.

Operators Base

The Operator's Licence must be held with the Council in whose area the Operator has the office, or home address in the case of an owner-driver. Anyone who wishes to operate in more than one area is required to hold an Operator's Licence with the Local Authority in each of those areas.

Where an Operator has more than one operating base, the Council will ensure that the Operator provides a list of all the addresses from which the business is run. This is to enable health and safety checks to be made and appointment books inspected.

The Licensing Authority will not usually grant an Operator's Licence for an Operator with an operating base 10 miles outside the authority's area. This is to ensure that the Authority may take the proper regulation and enforcement measures and is in no way intended to be a restraint of trade.

Planning Permission

If an Operator is licensed for more than two vehicles, prior to any premises being used (or the change of use) in connection with a private hire business, advice should be sought regarding planning permission before business can commence. This includes both commercial and domestic premises.

Please note that the granting of an Operator's Licence does not constitute the grant of any permission under the Town & Country Planning Act 1990 or any other legislation for the use of the land for that purpose.

Public Liability Insurance

Any premises that provide access to members of the public must be covered by public liability insurance. The Operator must check on any requirement to have Employers Liability Indemnity, however, if an Operator supplies a vehicle for the driver or office based radio equipment, for example, then they have a liability.

A copy of the Public Liability Insurance will be displayed on the premises.

The Council will keep a copy of the current insurance certificates on file.

Waiting Area

If a waiting area is to be provided for members of the public, the following requirements will need to be complied with:

- The public area should be kept in a clean and tidy condition
- Any seating or furniture should be kept in good condition
- Adequate ventilation and heating must be provided
- The public area should have adequate lighting
- No smoking should take place in either the public or staff areas and no smoking signage should be present

Radio Equipment

The Operator shall be (if applicable) in possession of a licence to transmit issued by the Radio Communications Agency/ Department of Trade and Industry. The licence will be displayed on the company premises and available for inspection by an Authorised Officer.

Record Keeping & Bookings

All Operators must keep records of bookings. It is an offence for a Private Hire Operator to refuse to take a booking for a Private Hire Vehicle. The booking must be in advance and is a contract between the customer and the Operator.

An Operator accepting a booking remains liable for that booking, even if they sub-contract it to another Operator. If the booking is sub-contracted, the Operator must be licenced by the Council also.

When the Operator accepts the hiring he/ she shall, unless prevented by some sufficient cause, ensure that a licensed Private Hire Vehicle attends at the appointed time and place.

The records of hiring/ bookings accepted by the Operator are required to be kept under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976. The records must be kept legibly and can be a manual or computerised record.

The record shall be completed before the commencement of each journey and shall show the following particulars for each booking:

- The date and time the booking was received
- The address at which the hiring is to commence
- The date and time the hiring is to be commenced
- The name of the person making the hiring
- The address at which the hiring is to end
- The licence number or call sign of the vehicle allocated
- The name or licence number of the driver of the vehicle allocated

These records must be accessible at all reasonable times for inspection by any Authorised Officer or Police Constable. Any computer program used must be able to reproduce a printed record.

Vehicle Records

The Operator shall maintain an up to date legible list of all current Private Hire and Hackney Carriage vehicles used by them or operating under their Operator's licence.

The records must show:

- The Private Hire or Hackney Carriage Vehicle Licence number
- The name, address and telephone number of the person to whom the vehicle licence was issued
- The make and registration of the vehicle
- The date the vehicle was accepted under the Operator's licence
- The date the vehicle ceased to accept work under that Operator's licence

The Operator must ensure that every vehicle working under their Operator's licence is covered by a valid certificate of insurance and a valid certificate of compliance. A legible manual or computerised record of the following must be maintained:

- Current insurance certificate/ cover note for all vehicles accepting work under their Operator's licence, including expiry dates
- Certificates of compliance including expiry date

Should the insurance cover for any vehicle working under the Operator's licence be cancelled, suspended or lapse, or the certificate of compliance expire, without a new one being provided, then the vehicle must be immediately stood down. The Council should be immediately notified of this action.

Driver Records

The Operator will maintain a list of all drivers currently working under their Operator's licence. The list must include:

- The full name, address and telephone number of the driver
- Details of the vehicle that the driver uses including the licence number and registration
- The date the driver commenced working under the Operator's licence
- The date the driver ceased working under that Operator's licence
- The call sign of all drivers

An Operator may only make use of drivers and vehicles licensed by Cambridge City Council. The Operator has the responsibility to ensure that all drivers and vehicles working for them comply with all licence requirements laid down by the Council.

The Operator shall ensure that all Private Hire Vehicles in the Operator's fleet shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the Council's licence in respect of the vehicle.

Operators Signs and Logos

The Operator shall not cause or permit to be displayed in or on from his/ her premises or to be published in relation to the Operator's business any sign, notice or advertisement which consists of or included whether in the singular or plural the words "For Hire" or any other word or words of similar meaning or appearance whether alone or as part of another word or phrase or any other word or words likely to cause a person to believe that any vehicle or vehicles operated by him/ her is or are hackney carriage or carriages.

Advertising on Private Hire Vehicles is not permitted in accordance with the Council's policy.

Limited advertising on Hackney Carriages is permitted subject to the prior written approval of the Council.

Touting & Soliciting

An Operator shall not cause or permit any person to tout or solicit any person to hire or be carried for hire in any Private Hire Vehicle.

APPENDIX Q

CODE OF CONDUCT

THE BELOW PROVISIONS ARE APPLICABLE TO ALL LICENSED DRIVERS

Behavioural Standards

- Drivers must be polite, helpful and fair to passengers, members of the public and other road users
- Drivers must respect other licensed drivers and attempt to resolve any issues amicably
- Drivers must respect and comply with the instructions of authorised officers from Cambridge City Council and Cambridgeshire Constabulary
- Notify the Council as soon as possible of any:
 - i. Change of name and / or address (within 7 days)
 - ii. Convictions including the accrual of penalty points (within 7 days)
 - iii. Significant changes in their health (immediately)
 - iv. Accidents involving damage to a licensed vehicle (within 72 hours)
- All drivers must carry an appropriate amount of change

Driving and Vehicle Standards

- Drivers are expected to understand and follow the Official Highway Code
- Drivers must not perform dangerous manoeuvres that endanger the safety of other road users or passengers
- Drivers must have respect for, and demonstrate courtesy to, all other road users
- Drivers must not obstruct the highway or park in a dangerous position, including over ranking or parking contrary to all traffic regulations such as double yellow lines or no stopping signs
- You must give as much room to cyclists and other vulnerable roads users as you would give a car, where possible
- Drivers are required to notify the Council of any damage to their vehicle that could give rise to any concerns about the safety or road worthiness of that vehicle for example as a result of a collision
- Drivers are required to notify the Council of any driving offences within seven days in accordance with the Handbook
- Drivers are required to notify the Council of any criminal offences under investigation whether they have been charged or not within 14 days
- Drivers must make their vehicles available for inspection at any time if asked by an identified officer of the Council at the rank, at the Council or in the reasonable course of their duties
- Drivers must maintain their vehicle in a roadworthy condition and also make them available for inspection at the offices of the Council if invited to do so at an appointed time by letter, email or telephone and attend that appointment unless

- they have reasonable grounds for not doing so
- Drivers must make themselves available for interview by a recognised officer of the Council if invited to do so at an appointed time by letter, email or telephone and attend that appointment unless they have reasonable grounds for not doing so
- Drivers have a duty to report any other issues that may be of concern to us

Driving Responsibilities – Highway Code

- Driving when you are tired greatly increases your risk of collision. To minimise this risk you must take the necessary precautions
- You must not leave a parked vehicle unattended with the engine running or leave a vehicle engine running unnecessarily while that vehicle is stationary on a public road. Generally, if the vehicle is stationary and is likely to remain so for more than a couple of minutes, you should apply the parking brake and switch off the engine to reduce emissions and noise pollution
- You must not drive dangerously, without due care and attention or without reasonable consideration for other road users
- You must not drive on or over a pavement, footpath or bridleway except to gain lawful access to property or in the case of an emergency
- Be considerate to all types of road users
- Avoid distractions when driving
- You must exercise proper control of your vehicle at all times and must not use a hand-held mobile phone, or similar device, when driving
- You should drive slowly and carefully on streets where there are likely to be pedestrians, cyclists and parked cars
- When passing a cyclist or pedestrian (or another vulnerable road user) drivers should give at least as much space as would be required for a car
- Give way to people walking who have already started to cross the road
- Assess your vehicle's length and do not obstruct traffic
- Do not unnecessarily encroach on the cycle waiting area
- Do not cut in on people cycling
- On a roundabout, watch out for and give plenty of room to, people walking or cycling
- Keep pedestrian and cycle crossings clear
- Give way to anyone still crossing after the signal for vehicles has changed to green
- The most vulnerable road users are pedestrians, cyclists, motorcyclists and horse riders. It is particularly important to be aware of children, older and disabled people, and learner and inexperienced drivers and riders
- Check before opening your door
- You must not stop or park on a pedestrian crossing, a cycle lane or a cycle track
- You should not park on the pavement

Luggage

The driver of a licensed vehicle so constructed as to carry luggage shall, when requested by the person hiring the vehicle:

- a) Convey a reasonable amount of luggage;
- b) Afford reasonable assistance in loading and unloading;
- c) Afford reasonable assistance in removing it to or from the entrance of any building, station or any place at which he may take up or sent down such person

Accessibility

- Drivers must carry a passenger with an assistance dog. Refusal to do so without an exemption issued by the Council is a criminal offence
- If you drive a wheelchair accessible vehicle you cannot refuse wheelchair jobs unless there are exceptional circumstances of the job terminates outside of the city. The ranks are checked regularly to make sure that this is the case
- If you leave your ramps or harnesses at home or they are damaged then we will suspend your vehicle from working as it is not fulfilling the condition of being wheelchair accessible
- You must ensure the wheelchair is securely strapped in, if you fail to and there is an accident then you will be liable for damages
- Passengers travelling in wheelchairs in vehicles must not face sideways
- If a passenger does not want to be strapped in you can refuse them on the grounds that you cannot account for their safety

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- i) not sound the vehicle's horn illegally or excessively
- ii) keep the volume of all audio equipment and two way radios to a minimum
- iii) switch off the engine if required to wait
- iv) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood
- v) at hackney carriage ranks, in addition to the requirements above:
 - a) park in an orderly manner and proceed along the rank promptly and in order
 - b) remain with the vehicle

In general, drivers shall:

- i) pay attention to personal hygiene and dress so as to present a professional image to the public
- ii) be polite, helpful and fair to passengers
- iii) drive with care and due consideration for other road users and pedestrians and, in particular shall not use a hand held mobile phone whilst driving
- iv) obey all Traffic Regulation Orders and directions at all times
- v) not smoke at any time when inside the vehicle
- vi) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle
- vii) not drive while having misused legal or illegal drugs
- viii) fulfil their responsibility to ensure compliance with legislation regarding length of working hours

ix) not eat in the vehicle in the presence of customers

Failure to comply with these regulations may incur penalties and may prompt criminal investigation.

DRAFT

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Cambridge City Council Equality Impact Assessment

Completing an Equality Impact Assessment will help you to think about what impact your strategy, policy, plan, project, contract or major change to your service may have on people that live in, work in or visit Cambridge, as well as on City Council staff.



The template is easy to use. You do not need to have specialist equalities knowledge to complete it. It asks you to make judgements based on evidence and experience. There are guidance notes on the intranet to help you. You can also get advice from Suzanne Goff, Strategy Officer on 01223 457174 or email suzanne.goff@cambridge.gov.uk or from any member of the Joint Equalities Group.

1. Title of strategy, policy, plan, project, contract or major change to your service:

Hackney Carriage & Private Hire Licensing Policy

Hackney Carriage & Private Hire Handbook

2. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

The policy sets out Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy on the licensing of Hackney Carriage and Private Hire Drivers and Vehicles, together with all Private Hire Operators. The policy sets out the legislative framework administered by the Licensing Authority in respect of such licences.

The policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (as amended) which places duties on the Council to carry out its licensing function.

The policy is intended to put the Council's licensing requirements into context for all parties in a clear and transparent manner. In setting out the policy, the Licensing Authority seeks to carry out the licensing functions with a view to promoting the following objectives:

- i) The safety and protection of the public;
- ii) Vehicle safety, comfort and access;
- iii) The prevention of crime and disorder;
- iv) The promotion of environmental sustainability, and;
- v) The protection of children and adults at risk from harm.

The policy refers to guidance that is available to assist with the processes and is referred to as the Hackney Carriage and Private Hire Licensing Handbook.

The original policy has been in effect since 24 October 2011 and, as stated within the policy, will remain effective for a maximum period of five years. Over the five years the policy has been updated where there have been changes required, these have been approved by Licensing Committee.

The proposed policy (and handbook) was subject to a five week public consultation in July/August 2016. The re-drafted policy will be effective for a maximum of 5 years but will be kept under constant review.

The policy and handbook are for adoption by Licensing Committee on 17 October 2016.

The committee report can be found here: [insert hyperlink](#)

3. Who will be affected by this strategy, policy, plan, project, contract or major change to your service? (Please tick those that apply)

√ Residents

√ Visitors

√ Staff

A specific client group or groups (please state):

Children

Adults at Risk

Individuals with Disabilities

4. What type of strategy, policy, plan, project, contract or major change to your service is this? (Please tick)

- New
 Revised
 Existing

5. Responsible directorate and service

Directorate: Strategic Services

Service: Environmental Services

6. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service?

- No
 Yes (please give details):

The policy recognises that the licensing function is only one means of securing the delivery of the objectives and the Authority will continue to work in partnership with the Taxi trade, neighbouring local authorities, DVLA, the Police, Driver & Vehicle Standards Agency (DVSA) other enforcement agencies (such as DWP and the Home Office), local business and local residents/ visitors.

Within the organisation the Licensing & Enforcement Team will continue to work with the Customer Service Centre, Legal Services and the Garage.

7. Potential impact

There are no specific equalities indicators and no overall impacts have been identified across the equality strands.

(a) Age (any group of people of a particular age, including younger and older people – in particular, please consider any safeguarding issues for children and vulnerable adults)

Children and adults at risk – it is a requirement of the revised Policy that mandatory Safeguarding training be delivered for all licence holders from November 2016. This also applies to new applicants. There will also be mandatory refresher training three yearly.

Age restrictions are included in applications for drivers, however these follow national guidelines. Persons wishing to be licensed as a taxi driver must have held a full driving licence for 12 months. This prevents 17 year olds from being licensed. However, it also ensures that drivers have had some experience before they take on the responsibility of the safety of fare paying passengers. Therefore it could be argued that this has a positive impact for other road users, the public, passengers and taxi drivers.

Licensed drivers aged over 60 years are subject to more frequent medical assessments (annually as opposed to five yearly).

(b) Disability (including people with a physical impairment, sensory impairment, learning disability, mental health problem or other condition which has an impact on their daily life)

Individuals with disabilities or impairments – 60 % of the Hackney Carriage fleet is Wheelchair Accessible (WAV) which meets the Equality Act requirement that where vehicles are limited there is a % of WAV.

In conjunction with the Safeguarding training, an element of equality and accessibility training is included for all licence holders along with a code of conduct which is also applicable to licence holders to ensure good practice.

There are restrictions on having a taxi driver's licence relating to medical fitness. This policy reflects government guidance that the stricter Group 2 licence criteria (for heavy goods and bus drivers) should be applied to taxi drivers. This may lead to the situation where a person who has a car driving licence (based on Group 1 criteria), is refused a taxi driving licence (group 2 criteria) because of a disability or illness.

(c) Gender

There is no specific evidence at this present time; the policy and handbook are fully inclusive to all. No risks have been identified.

(d) Pregnancy and maternity

There is no specific evidence at this present time; the policy and handbook are fully inclusive to all. No risks have been identified.

(e) Transgender (including gender re-assignment)

There is no specific evidence at this present time; the policy and handbook are fully inclusive to all. No risks have been identified.

(f) Marriage and Civil Partnership

There is no specific evidence at this present time; the policy and handbook are fully inclusive to all. No risks have been identified.

(g) Race or Ethnicity

It is a requirement of the Policy that applicants who have lived outside of the UK for a period of six months or more (in the past five years) must provide a Certificate of Good Conduct from their embassy as part of their application. This element supports the mandatory Disclosure and Barring Service (DBS) check which is required upon application and every three years thereafter.

In addition to this, the training which is required to be undertaken by all licence holders and new applicants is delivered face to face and in English. As part of the application process, a multiple choice online 'written' test is undertaken, this too is in English.

Language knowledge and ability, and local knowledge may be a barrier to some ethnic communities applying for hackney carriage and private hire licences – however, there is a need for licensed drivers to read road signs, communicate with passengers, and have knowledge of the area, therefore written/oral understanding of English is required.

Practical measures to reduce any negative impact can be put in place such as any training materials available in other formats or for the individual to undertake an additional basic English Language course in order to assist with this.

Language may be a barrier for some ethnic communities in understanding regulations and enforcement issues – assistance can be provided if necessary (in the form of interpretation).

(h) Religion or Belief

There is no specific evidence at this present time; the policy and handbook are fully inclusive to all. No risks have been identified.

(i) Sexual Orientation

There is no specific evidence at this present time; the policy and handbook are fully inclusive to all. No risks have been identified.

(j) Other factors that may lead to inequality – in particular – please consider the impact of any changes on low income groups or those experiencing the impacts of poverty (please state):

The results disclosed on an individual's DBS check may prevent some applicants from becoming licence holders/ licence holders having licences renewed on the grounds of public safety.

There is no other specific evidence at this time of any additional risk factors which may lead to inequality.

8. If you have any additional comments please add them here

The legislation, guidance and policy are for the benefit of all licences and applications that meet the statutory and policy criteria.

The Licensing Authority holds a neutral stance in relation to all matters providing the application criteria are met by the applicant. The only reasons for rejecting an application stem from the statutory and policy requirements of the application process. The only objections that may be considered by the Licensing Authority that may lead to a decision not to grant a licence relate exclusively to aspects associated with the applicant being a fit and proper person in law.

All applications, licence grants and enforcement matters follow the same procedure and policy.

The Hackney Carriage and Private Hire Licensing Policy does not seek to undermine the rights of any individual to apply under the policy for a variety of permissions, or have their application considered on its individual merits. The Licensing Authority will only depart from the Policy if the individual circumstance of any case merits such a decision in the interests of the promotion of the licensing objectives.

9. Conclusions and Next Steps

All completed Equality Impact Assessments must be emailed to Suzanne Goff, Strategy Officer, who will arrange for it to be published on the City Council's website.

Email suzanne.goff@cambridge.gov.uk

10. Sign off

Name and job title of assessment lead officer: Victoria Jameson – Licensing, Policy & Administration Team Leader

Names and job titles of other assessment team members and people consulted:
Yvonne O'Donnell – Environmental Health Manager

Date of completion: October 2016

Date of next review of the assessment: Upon any change to the Policy, or upon the next consultation/ review (October 2021).

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