



Cambridge City Council

# Hackney Carriage and Private Hire Licensing Policy

October 2018

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## **PART 1**

### **INTRODUCTION**

## **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 encourage the uptake of zero and ultra-low emission 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 9<sup>th</sup> July 2018 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.

## **PART 2**

### **VEHICLES**

## **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 In 2014 the Licensing Authority undertook a demand survey which concluded that there was no significant demand for Hackney Carriages that was unmet. Therefore, it applied a limit of Hackney Carriage Vehicles as of 26th January 2015 for a period of three years.
- 11.3 In 2017 a further demand survey was undertaken, the results of which concluded that there continued to be no significant demand for Hackney Carriages that is unmet. On 29<sup>th</sup> January 2018 Members resolved to keep a limit on Hackney Carriage Vehicles for a further period of three years.
- 11.4 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.
- 11.5 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 may not be covered by the drivers insurance. Proprietors are required to ensure that they fully understand their individual insurance policy.
- 12.5 Once a vehicle is licensed as a Hackney Carriage or Private Hire vehicle, every driver of that vehicle, whether it be used for business or pleasure, must possess the appropriate City Council driver licence.
- 12.6 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.

- 12.7 Cambridge City Council will not grant a Hackney Carriage or Private Hire Vehicle Licence for any vehicle that is already licensed by another authority. Obtaining a vehicle licence from another authority will invalidate any vehicle licence granted by Cambridge City Council.
- 12.8 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.
- 12.9 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.
- 12.10 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.
- 12.11 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.
- 12.12 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.
- 12.13 This will also apply to Private Hire vehicles unless they are treated as a “special vehicle”.
- 12.14 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.
- 12.14 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 On 19<sup>th</sup> March 2018, Members agreed to reduce the percentage of Wheelchair Accessible Vehicles to 50% across the whole fleet in order to encourage the uptake of zero emission vehicles. All new Hackney Carriages (plate 121 to 441) 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 All new licensed Hackney Carriages must be either side or rear loading. The Licensing Authority will not licence wheelchair accessible vehicles that load from the

driver's side (off-side).

- 15.6 Hackney Carriage licence plates numbered 1 to 121 retain protected "grandfather rights" to use saloon, petrol/ diesel powered 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 Some members of the public do not distinguish between Hackney Carriage and Private Hire vehicles and do not realize that Private Hire vehicles are not available for immediate hire or are able to be hailed in the street. It is therefore essential that the public are able to easily identify between a Hackney Carriage and a Private Hire vehicle.
- 18.2 Creating a distinctive livery for Hackney Carriage vehicles assists in resolving this difficulty and on 16<sup>th</sup> October 2017 Members agreed to the addition of a livery requirement for all Hackney Carriage Vehicles.

On 9<sup>th</sup> July 2018 Members further agreed on the part of the Livery Specification for Hackney Carriage Vehicles along with requirements for Private Hire Vehicles.

Further information on the Livery can be found within the Hackney Carriage and Private Hire Vehicle Handbook, including the implementation plan.

- 18.3 Cambridge City Council licensed vehicles are required to display a City Council issued identity licence plate. This is a key feature in helping to identify vehicles that are correctly licensed by the authority.

**Hackney Carriage Vehicles:**

- i) Must be silver in colour (as described on the V5 registration document for each vehicle).
  - ii) Must have a 'wrap' of two gloss stripes, one placed either side of the vehicle (running horizontally from the headlight to the rear light).
  - iii) Must have the stripe 'grass green' in colour and must be fitted along the side of the vehicle and should follow the natural line of the vehicle.
  - iv) Must ensure that the stripe has a break on any part of it, on the front passenger and driver doors, to allow for the positioning of the crests.
  - v) For Multi-Seater Vehicles, the stripe must be a thickness of 6 inches (150mm).
  - vi) For Saloon Vehicles, the stripe must be a thickness of 4 inches (100mm).
  - vii) Must display the Cambridge City Hackney Carriage pale blue identification plate on the rear of the vehicle.
  - viii) Must have a 'Taxi' yellow roof sign on the top of the vehicle.
- 18.4 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.
- 18.5 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.
- 18.6 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.
- 18.7 The Hackney Carriage external licence plate supplied by the Licensing Authority shall be securely fixed to the outside of the vehicle, no temporary fixing is allowed.

## **Private Hire Vehicles:**

- i) Cannot be silver in colour (as described on the V5 registration document for each vehicle).
- ii) Must display door signs which detail the name and contact information of the Operator fulfilling the booking, along with the notification of 'Private Hire: Pre-booked only'.
- iii) Must display the Cambridge City Private Hire pale green identification plates on the front and rear of the vehicle.
- iv) Do not have a taxi sign or crests.

18.8 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".

18.9 The Private Hire external licence plates supplied by the Licensing Authority shall be securely fixed to the outside of the vehicle, no temporary fixing is allowed.

## **Advertising:**

18.10 Private Hire Vehicles are not permitted to display advertisements.

18.11 Limited external advertising may be permitted on Hackney Carriage Vehicles, but only on the rear of the vehicle.

18.12 Limited internal advertising may be permitted in Hackney Carriage Vehicles.

18.13 Any permission to display advertising will be subject to the prior written approval of the City Council and must be in accordance with the Advertising Standards Agency code of practice. 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
- iv) 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 On 16<sup>th</sup> October 2017 Members agreed to the mandatory requirement for the installation of CCTV in Hackney Carriage and Private Hire vehicles.
- 25.4 The implementation of CCTV in licensed vehicles serves multiple purposes which will enable the prevention and detection of crime and promote a safe experience for both licensed drivers and the travelling public.
- 25.5 The key objectives are:
- The protection of licensed drivers.
  - The protection of the travelling public.
  - To ensure that licensed drivers continue to be 'fit and proper' in line with licence conditions.
  - To enable investigations to be fully supported with evidence in a secure and retrievable form.
- 25.6 The CCTV system installed in any vehicle will comply with the Council CCTV Technical Specification and will remain locked and only accessible by an approved officer of the Licensing Authority.

- 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 CCTV, the associated operational procedures and the safety of drivers 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**

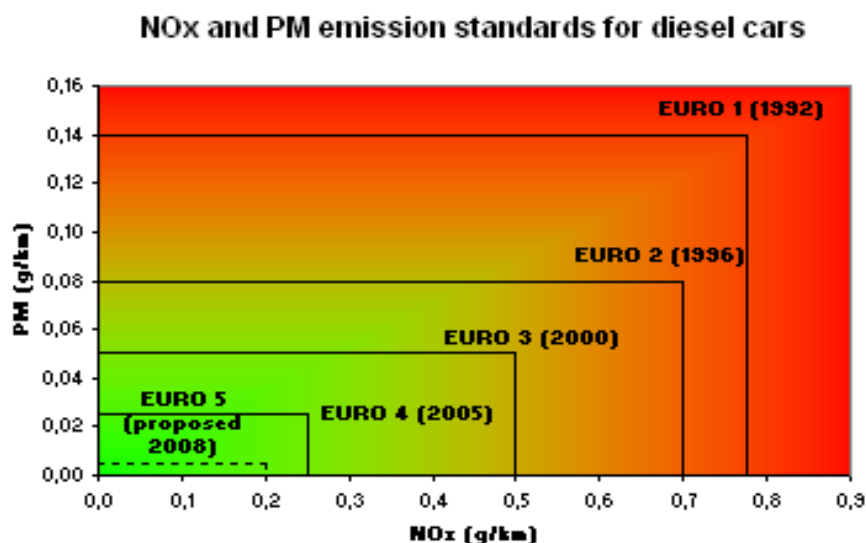
- 27.1 The application procedures for a Hackney Carriage or Private Hire vehicle licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook.
- 27.2 The Licensing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



**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. In 2015 the City Council set a policy direction for pursuing a low emission strategy for Buses and Taxis within Cambridge over a period of 10 years.
- 29.7 The 2015-25 Air Quality Action Plan includes a strategy to reduce polluting emissions to improve poor air quality in Cambridge City and to develop taxi licensing policies to transform the vehicle fleet into a low emission fleet which will lead to a significant reduction in emissions and a significant improvement in air quality, whilst maintaining sufficient levels of access and capacity for travel in the City.
- 29.8 The following potential incentives and regulatory policies, which are designed to encourage and reward the uptake of low emission and electric vehicles within the taxi fleet, were consulted upon and agreed by Members on 19<sup>th</sup> March 2018:

| Item | Option                                                      | Rationale                                                                                                                                                                               | Timeframe/ Implementation            |
|------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 1    | <b>Licence Fee Exemption for Zero emission, Vehicles</b>    | Full Licence Fee Exemption is available for Zero Emission Vehicles ONLY.<br><br>The exemption could potentially be for up to 5 years.<br><br>This is dependent on funding availability. | <b>With effect from 1 April 2018</b> |
| 2    | <b>Licence Fee Discount for Ultra-Low Emission Vehicles</b> | 50% Licence Fee discount is available for Ultra-Low emission vehicles.<br><br>The exemption could potentially be for up to 5 years.<br><br>This is dependent on funding availability.   | <b>With effect from 1 April 2018</b> |
| 3    | <b>Extended Age Limit for Zero Emission Vehicles</b>        | Zero Emission Vehicles can have an age limit of up to 15 years.<br><br>This is subject to obtaining a Certificate of Compliance every 6 months.                                         | <b>With effect from 1 April 2018</b> |
| 4    | <b>Extended Age Limit for Ultra-Low Vehicles</b>            | Ultra-Low emission vehicles can have an age limit of up to 12 years.<br><br>This is subject to obtaining Certificate of Compliance every 6 months.                                      | <b>With effect from 1 April 2018</b> |

|   |                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                    |
|---|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 5 | <b>A set date for all new Licensed Saloon Vehicles to be Zero or Ultra-Low Emission</b>                                 | This allows proprietors/ potential proprietors to focus on planning to move to Zero or Ultra Low emission vehicles by a set date.                                                                                                                                                                                                                                                                                                                                                                                                              | <b>With effect from 1 April 2020</b>               |
| 6 | <b>A set date for all Licensed Saloon Vehicles to be Zero or Ultra-Low Emission</b>                                     | This allows proprietors/ potential proprietors to focus on planning to move to Zero or Ultra Low emission vehicles by a set date and allows adequate business planning.                                                                                                                                                                                                                                                                                                                                                                        | <b>By December 2028</b>                            |
| 7 | <b>To reduce the total % of Wheelchair Accessible Vehicles within the Hackney Carriage Fleet to 50%</b>                 | <p>The % of Wheelchair Accessible Vehicles (WAV) to be reduced to 50% within the fleet.</p> <p>Proprietors will be offered the chance to 'give up' their Wheelchair Accessible Vehicle on the condition it is replaced with a <b>Zero emission saloon</b> vehicle.</p> <p>This will reduce the number of wheelchair accessible taxis from 213 to 163.</p>                                                                                                                                                                                      | <b>With effect from 1 April 2018</b>               |
| 8 | <b>A set date for all Wheelchair Accessible Vehicles to be Ultra-Low or Zero Emission as and when the market allows</b> | Further to option 7 (above), currently the market does not provide Ultra-Low or Zero Emission Wheelchair Accessible Vehicles.                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>By December 2028. Subject to review in 2026</b> |
| 9 | <b>To restrict City Centre Access to Ultra-Low and Zero Emission Licensed Vehicles only</b>                             | <p>This is an important factor in ensuring compliance with the Ultra-Low and Zero Emission criteria.</p> <p>The Greater Cambridge Partnership project considers traffic restrictions on key access routes. This policy is outside the Licensing powers and would only be deliverable with the co-operation of the County Council. However, considering changes that have come into effect regarding access management of the City Centre to Automatic Number Plate Recognition (ANPR) there is the potential that this could be delivered.</p> | <b>By December 2028</b>                            |

29.9 To support the Councils Air Quality Action Plan minimum age limits and Euro Standards will be maintained and new policy incentives to encourage the uptake of zero and ultra-low emission vehicles will be implemented over a ten year period:

(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.

(iii) from 1 April 2020 all new licenced saloon vehicles will need to be zero or ultra-low emission vehicles.

(iv) by 31 December 2028 all licensed saloon vehicles will be zero or ultra-low emission vehicles.

(v) by 31 December 2028 all wheelchair accessible vehicles will be zero or ultra-low emission as and when the market allows (this is subject to review in 2026).

(vi) by 31 December 2028, the City Centre will restrict access to zero and ultra-low emission licensed vehicles only.

29.10 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.

29.11 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.

29.12 Encouraging better maintenance of vehicles could reduce emissions from licensed vehicles further, it is intended that this aspect be tackled through education and promotion.

29.13 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.

29.14 Vehicle purchase subsidies are available for electric vehicles, dependent on the emissions. OLEV have different levels of Plug In Car Grant for different vehicles as detailed in the table below:

| Category 1                                                                                            | Category 2                                                                                        | Category 3                                                                                       |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| CO <sub>2</sub> emissions less than 50g/km and zero emission range of at least 70 miles<br><br>£4,500 | CO <sub>2</sub> emissions less than 50g/km and zero emission range of 10 – 69 miles<br><br>£2,500 | CO <sub>2</sub> emissions 50 – 75g/km and zero emission range of at least 20 miles<br><br>£2,500 |

Alternatively, there is a Plug In Taxi Grant (PiTG) available for purpose-built, wheelchair accessible taxis of up to £7,500, as set out in the table below:

| Category 1                                                                                            | Category 2                                                                                        |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| CO <sub>2</sub> emissions less than 50g/km and zero emission range of at least 70 miles<br><br>£7,500 | CO <sub>2</sub> emissions less than 50g/km and zero emission range of 10 – 69 miles<br><br>£3,000 |

### **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**

## **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 all individuals will, at that point, be required to subscribe to the DBS Update Service within the specified timescale of receiving their DBS Certificate.
- 35.4 Every three years, officers of the Council will undertake an online check of the DBS Update Service in order to check the applicant's current status and, depending on what is revealed from the online status check, the Council may require an additional DBS check to be undertaken.
- 35.5 All licensed drivers will be required to renew their subscription to the DBS Update Service on an annual basis, before their current subscription ends, should they wish to continue to hold a Cambridge City Council driver's licence.
- 35.6 Where an individual fails to maintain and/ or renew their subscription before it ends; they will be required to apply for a new DBS check and register for the Update Service again.
- 35.7 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 a Basic Disclosure upon application and every three years after (if subsequent renewal applications are made).

- 35.8 The City Council requires all licensed drivers to subscribe to the DBS Update Service and to maintain the annual subscription. Licensed drivers will need to retain their DBS certificate once they have subscribed as this will need to be provided to the officer undertaking the online check.
- 35.9 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.
- 35.10 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.
- 35.11 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.
- 35.12 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..
- 35.13 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 (or any other pertinent information via the DBS Update Service) 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 three 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.

## **PART 4**

### **OPERATORS**

## **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 Basic Disclosure 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 a Basic Disclosure 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 a Basic Disclosure 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**

## **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.