

# HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY



# DRAFT

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## **1.0 SCOPE AND BACKGROUND**

- 1.1 Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy applies to all Hackney Carriage and Private Hire Drivers and Vehicles along with Private Hire Operators who are licensed by Cambridge City Council.
- 1.2 Hackney Carriage and Private Hire Vehicles play a vital and integral part in an integrated transport system. They are also able to provide services in situations where other forms of transport are either not available (e.g. late evenings) or for persons with mobility difficulties.
- 1.3 This Hackney Carriage and Private Hire Vehicle Licensing policy is intended to ensure that both the trade and the public have a document that fully explains the licensing procedures in a clear and transparent manner.

## **2.0 POWERS AND DUTIES**

- 2.1 The licensing of Hackney Carriages dates back to 1847 and for Private Hire Vehicles (outside London) to 1976.
- 2.2 The Local Government (Miscellaneous Provisions) Act 1976, as amended ("the 1976 Act") places on Cambridge City Council as the Licensing Authority ("the Authority") the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire Vehicles.
- 2.3 This document sets out the policy that the Authority will apply when making decisions about new applications and licences currently in force.
- 2.4 In undertaking its licensing function, the Authority will also have regard to other relevant legislation (and any legislation replacing or amending same or any regulations made thereunder) including:
  - i) Transport Act 1985
  - ii) Road Vehicles (Constructions and Use) Regulations 1986.
  - iii) Crime and Disorder Act 1998
  - iv) Environmental Protection Act 1990
  - v) Equalities Act 2010
  - vi) Health Act 2006 and Smoke-free Regulations 2006/7
  - vii) Legislative and Regulatory Reform Act 2006
  - viii) Road Safety Act 2006
  - ix) Road Traffic Acts

## **3.0 AIMS AND OBJECTIVES**

- 3.1 The Authority 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

- 3.2 The Authority shall seek to use its licensing powers to ensure that licensing vehicles within the district are safe, comfortable, properly insured and available where and when required.
- 3.3 The aim of the licensing process in relation to the policy is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. It is the Authority's wish to facilitate well-run and responsible businesses, which display sensitivity to the needs of the general public.

#### **4.0 BEST PRACTICE GUIDANCE**

- 4.1 In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance issued by the Department for Transport in March 2010 has assisted the Authority.
- 4.2 There is recognition within the Guidance that a too restrictive approach may be detrimental to the public interest and could have adverse safety implications and this is taken note of in this Policy.
- 4.3 Local circumstances and requirements have been taken into account in this policy.

#### **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 This policy will provide the Authority and Council Officers who are required to administer the licensing function with appropriate guidelines within which to act.
- 5.4 Where applications do not meet the requirements of the policy the Head of Refuse and Environment has the delegated authority to approve those applications.

#### **6.0 IMPLEMENTATION**

- 6.1 This policy shall take effect from DATE for a maximum period of 5 years and the Authority expects all licence holders to comply with its terms immediately. It is acknowledged however, that certain provisions may place financial obligations on existing licence holders and accordingly the Authority is prepared to permit a transitional period, during which, necessary changes must be made.
- 6.2 The Authority will keep this policy under review and will consult where appropriate on proposed revisions and when necessary to reflect changes in legislation and case law.
- 6.3 From the effective date this policy will override and supersede all existing policies and guidance in relation to Hackney Carriage and Private Hire Licensing.

## **7.0 LICENSING PROFILE**

- 7.1 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.
- 7.2 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.

## **8.0 LIMITATION OF VEHICLE NUMBERS**

- 8.1 No powers exist for licensing authorities to limit the number of Private Hire Vehicles that they licence.
- 8.2 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”
- 8.3 The Authority is satisfied that there is no significant unmet demand for the services of Hackney Carriages. Halcrow Ltd. undertook an independent survey in Autumn 2010, to improve the environmental impact of licensed vehicles and in particular to look at CO2 emissions and shared taxi services. It is intended that a further demand survey will be carried out in 2011/ 12.

## **9.0 SPECIFICATIONS AND CONDITIONS**

- 9.1 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.
- 9.2 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. 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.
- 9.3 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.
- 9.4 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.
- 9.5 The council is empowered to impose such conditions, as it considers reasonably necessary in relation to the grant of a Hackney Carriage or Private Hire vehicle licence. Hackney Carriages and Private Hire vehicles provide a 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.

- 9.6 Hackney Carriages, in general, will be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted provided that there is compliance with the manufacturer's specifications applicable to such vehicles.
- 9.7 This will also apply to Private Hire vehicles unless they are treated as a "special vehicle".
- 9.8 The 'Taxi Guide' will set out the specification and minimum standards in respect of Hackney Carriages and minimum standards for Private Hire Vehicles.

## **10.0 ACCESSIBILITY**

- 10.1 Hackney Carriage licence plates numbered 1 to 121 retain grandfather rights to use saloon style vehicles.
- 10.2 All new Hackney Carriage licence plates must be wheelchair accessible vehicles, either purpose built or converted to M1 or SVA European safety standards. There is not the same requirement for private hire vehicles.
- 10.3 The authority is committed to social inclusion and ensuring that disabled residents 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 have access to all forms of public transportation.
- 10.4 In addition to the general conditions, accessibility for disabled people including, but not limited to, people who need to travel in a wheelchair is an important consideration in respect of licensed vehicles.
- 10.5 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 a person with disabilities 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.
- 10.6 It is important that vehicle proprietors and Private Hire operators ensure that licensed drivers do not cause wheelchair passengers to travel sideways in their wheelchair and that drivers are trained in the use of relevant belts and other restraint locking mechanisms. They should also ensure that driver training is up to date.

10.7 Licensed drivers have a duty, under the Equality Act 2010, to provide assistance to people in their wheelchairs (if their vehicle is designated to do so). However, a licensed driver may apply for an exemption notice from the Authority if they are physically unable to carry out the actual duties to assist.

## **11.0 MAXIMUM AGE OF VEHICLES**

11.1 The Authority shall support any local environmental initiatives such as setting vehicle emissions standards or promoting cleaner fuels.

11.2 All Hackney Carriage and Private Hire Vehicles must be less than 8 years of age. No vehicle will be re-licensed after its 8<sup>th</sup> birthday. Upon the change of vehicle, the new Hackney Carriage or Private Hire vehicle must be less than 4 years of age.

11.3 The term 'new' means any vehicle that is being licensed for the first time i.e. a complete new licence or change of vehicle within the current licence term.

## **12.0 VEHICLE TESTING**

12.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so.

12.2 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, situated at Mill Road Depot, at which compliance with the requirements is assessed and confirmed by the issue of a certificate.

12.3 Testing is carried out twice yearly. The 'Taxi Guide' will set out the specification and standards for vehicle testing and compliance.

12.4 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.

12.5 Proprietors of licensed vehicles are required to inform the Authority as soon as practicable or certainly within 72 hours of any accident causing "damage materially affecting the safety, performance or appearance of the Hackney Carriage or Private Hire vehicle or the comfort or convenience of persons carried therein".

## **13.0 SIGNAGE AND ADVERTISING**

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

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

13.3 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.

13.4 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 as a licensed vehicle.

13.5 Limited advertising is permitted on hackney carriages in accordance with the Advertising Standards Agency code of practice and providing the advertising leaves a 20cm distance from the door crests.

13.6 The existing Conditions of Fitness relating to Hackney Carriages and Private Hire vehicles do not permit the display of advertisements. However, in the light of a general change in attitude nationwide towards advertising and because the proceeds of such advertising could be used to improve the safety and comfort of the vehicle and assist in the purchase of CCTV camera systems, external and internal advertising will be permitted on both hackney carriage and private hire vehicles 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

13.7 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. Hackney Carriage vehicles display a large blue plate on the rear of the vehicle whilst Private Hire vehicles display a small green plate on the front of the vehicle and a large green plate on the rear of the vehicle.

## **14.0 HACKNEY CARRIAGE CRESTS**

14.1 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.

## **15.0 DRIVER SAFETY**

15.1 The trades provide a valuable service and security for drivers and passengers is of paramount importance.

15.2 There are a number of ways to reduce risks such as prepayment of fares, driver screens, CCTV surveillance systems and radio link schemes.

15.3 It is not proposed that measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgment of the proprietors and drivers themselves. The Hackney Carriage and Private Hire trades are, however, encouraged to build good links with the local police force, including participation in any crime and disorder reduction partnerships.



## **16.0 VEHICLE APPLICATION PROCEDURES**

16.1 The application procedures for a Hackney Carriage or Private Hire vehicle licence shall be made on the specified application form and in accordance with the application procedure set out in The 'Taxi Guide'.

## **17.0 CONSIDERATION OF VEHICLE APPLICATIONS**

17.1 The Authority shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

## **18.0 RENEWAL OF LICENCES**

18.1 Existing licence holders shall be reminded prior to their expiry date, that their licenses are due to be renewed and of the need to arrange an appointment. Application forms, appropriate fees and supporting documentation, as set out in the 'Taxi Guide' shall be produced and appointments shall be arranged on a date prior to the expiry date of the licence.

18.2 It is the licence holder's responsibility to ensure that licenses are renewed prior to their expiry.

18.3 It is advised that vehicles should be examined and tested at the garage in good time to allow for a vehicle to be repaired and re-tested, should the vehicle examination identify the need, and prior to the expiry of the licence.

## **19.0 ENVIRONMENTAL CONSIDERATIONS**

19.1 The Authority considers that every effort should be made to improve the efficiency of vehicles licensed to operate in the city by reducing the levels of CO2 emitted.

19.2 Government guidance suggests that authorities may wish to consider setting vehicle emissions standards by promoting cleaner fuels. It also states that local licensing authorities may 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.

19.3 The Authority commissioned a survey undertaken by Halcrow Ltd. and will be consulting on the recommendations.

19.4 The Authority proposes to consider reducing licence fees for vehicles that produce lower carbon dioxide emissions. This will be based on the current vehicle tax bands as below:

Band	CO2 Emission Figure (g/km)
A	Up to 100
B	101-110
C	111-120
D	121-130
E	131-140
F	141-150
G	151-165
H	166-175
I	176-185
J	186-200
K-M	201+

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

## **20.0 STRETCHED LIMOUSINES, SPECIAL VEHICLES & PLATE EXEMPTION**

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) test. The SVA 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:

- 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'

## **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:

- i) Primary Care Trusts
- ii) 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 Authority strongly recommends that anyone wishing to provide this type of service contact the licensing authority for each case to be considered on its merits.
- 21.7 In relation to Voluntary Sector Transport, the 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 The Authority will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Council considers that private hire vehicle licensing is necessary.

## **22.0 PRESTIGE TYPE VEHICLES**

- 22.1 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, door stickers and driver badges.

## **23.0 WEDDING VEHICLES**

- 23.1 A vehicle does not need to be licensed while it is being used solely for the wedding service.

## **24.0 FUNERAL VEHICLES**

- 24.1 There is no requirement for a vehicle to be licensed when it is used in connection with a funeral, or is wholly or mainly used by a person carrying on the business of a funeral director.

## **25.0 DRIVERS PARALLEL PROCEDURES**

- 25.1 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 and Private Hire Drivers unless indicated.

## **26.0 LICENCES**

- 26.1 The Authority requires that separate driver's licences be held in respect of driving Hackney Carriage and Private Hire vehicles. Licences shall be issued for a maximum period of 12 months.

- 26.2 A 12-month licence provides the Authority with more control over licensed drivers, as there is a more frequent assessment of the qualifications of the driver in relation to their abilities, both medical and personal.
- 26.3 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.
- 26.4 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.

## **27.0 ELIGIBILITY TO WORK**

- 27.1 Applicants must provide the Authority with proof that they are eligible to work within the UK in accordance with the Immigration, Asylum and Nationality Act 2006. Further guidance is available in the 'Taxi Guide'.

## **28.0 CRIMINAL RECORDS BUREAU**

- 28.1 A Criminal Record Bureau disclosure application (CRB) is seen as an important safety measure by both central and local government. An enhanced CRB 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.
- 28.2 Cambridge City Council is an approved CRB registered body and applicants can therefore deal with the CRB through the council. The council will not accept portability of a CRB.
- 28.3 Applicants who have lived out of the UK for any period of time within the five years prior to their application must obtain a certificate of good conduct from the relevant embassy covering that period.
- 28.4 The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driver's licences. They are required to disclose all convictions, including those that would normally be regarded as spent.
- 28.5 Drivers must report all new convictions, warnings, reprimands, ASBOs, cautions, Community Service Orders, Restraining Orders and fixed penalties to the council in writing within seven working days. Further information on CRB's, relevance of Convictions and Cautions and the Rehabilitation of Offenders Act 1974 can be found in the 'Taxi Guide'.
- 28.6 In relation to the consideration of convictions and police cautions recorded against persons, the Authority has adopted the policy set out in the 'Taxi Guide'.
- 28.7 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merit. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the Criminal Records Bureau, the licensing officer will assess whether any or all of the convictions, and any additional 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 'Taxi Guide'.

## **29.0 MEDICAL EXAMINATION**

- 29.1 Medicals are required for all new applicants and every five years thereafter (unless requested on a more frequent basis by the applicants doctor). Once a driver has reached the age of 45 the medical certificate will need to be renewed five-yearly and at the age of 60, it will last for one year and be required annually thereafter.
- 29.2 The Authority requires that all drivers must meet Group 2 medical standards as recommended by the Medical Commissioners on Accident Prevention. A licensee must inform the Authority of any medical condition affecting their ability to drive that may arise after a licence has been granted.
- 29.3 Adopting 'group 2' medical standards and applying the C1 standards to hackney carriage and private hire drivers with insulin treated diabetes is considered to be best practice. The 'Taxi Guide' provides further guidance.

## **30.0 TOPOGRAPHICAL KNOWLEDGE**

- 30.1 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, on the street or by prior booking.
- 30.2 Applicants will be required to undertake a test as to their knowledge of:
- i) Relevant rules and regulations which govern hackney carriage and private hire driver and vehicle licensing
  - ii) Local geography by naming roads/ buildings
  - iii) Local geography by identifying roads/building on a map
  - iv) Shortest routes between certain roads
- 30.3 The test can only be attempted four times within 12 months, and then it is usual to have a break of at least one year before re-commencing the application process. Additional guidance can be found in the 'Taxi Guide'.

## **31.0 DRIVING PROFICIENCY**

- 31.1 The Driving Standards Agency (DSA) provides a driving assessment designed for Hackney Carriage and Private Hire drivers.
- 31.2 Cambridge City Council has concluded that the DSA Private Hire/ Hackney Carriage Assessment be the standard of driving competency for the drivers of Hackney Carriage and Private Hire vehicles licensed with this Authority commensurate with the costs involved. There are no exceptions.

## **32.0 DRIVER APPLICATION PROCEDURES**

- 32.1 An application for a Hackney Carriage or Private Hire driver's licence shall be made on the specified application form. The application procedure is set out in the 'Taxi Guide'.

### **33.0 RENEWAL OF DRIVER LICENCES**

33.1 Driver licence holders shall be reminded prior to expiry when their licences are due to be renewed and the need to arrange a renewal appointment. Application forms, appropriate fees, and supporting documentation, as set out in the 'Taxi Guide'.

### **34.0 CONDITIONS OF DRIVER LICENCES**

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

### **35.0 CODE OF GOOD CONDUCT**

35.1 The standards expected of all licensed drivers are set out in the 'Taxi Guide' and should be read in conjunction with the other statutory and policy requirements set out in this document.

### **36.0 PRIVATE HIRE OPERATORS REQUIREMENTS AND OBLIGATIONS**

36.1 Any person who operates a Private Hire service must apply to the 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.

36.2 The primary objective in licensing private hire operators is the safety of the public, both in the vehicles and at the operator's premises.

36.3 A private hire vehicle shall 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.

36.4 A Private Hire operator shall ensure that every Private Hire vehicle is driven by a person who holds a Private Hire driver's licence.

36.5 Applications for the operator's licence shall be made on the prescribed form, together with the appropriate fee. The Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence.

36.6 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

36.7 Private hire operators, that are not licensed drivers, cannot be required to produce an enhanced CRB disclosure. A Basic Disclosure from the CRB, or a certificate of good conduct from the relevant embassy for overseas applicants, is, however, considered appropriate in promoting the objective of public safety.

- 36.8 A reference covering, for example, the applicant's financial records and/or business history could also be considered appropriate as well as the requirements outlined in some instances.
- 36.9 Before an application for a private hire operators licence will be considered, the applicant must provide a current (less than 3 months old) Basic CRB Disclosure of Criminal Convictions, or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant.
- 36.10 The Authority has power to impose such conditions on an operator's licence, as it considers reasonable necessary and these are set out in the 'Taxi Guide'.

## **37.0 INSURANCE**

- 37.1 Before an application for Private Hire operator's licence is granted, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises, which are to be open to the public, to be licensed.
- 37.2 The conditions proposed for private hire operators licences, will require that the operator produce an appropriate certificate of motor insurance that covers every private hire vehicle they operate.

## **38.0 PRIVATE HIRE OPERATOR LICENCE DURATION**

- 38.1 Cambridge City Council shall grant Private Hire operator licences for a period of one year from the date of grant.
- 38.2 Holders of existing Private Hire operator's licences shall be reminded when their licences are due to be renewed.

## **39.0 RECORD KEEPING**

- 39.1 The records required to be kept by the operator under Section 56(2) and (3) of the Local Government (Miscellaneous Provisions) Act 1976 shall 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 and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:

- i) The time and date of the booking
- ii) The name of the hirer
- iii) How the booking was made e.g. telephone or email and the time
- iv) The point of pick up and drop off
- v) The registration or plate number of the vehicle allocated
- vi) The name of the driver

## **40.0 ADDRESS FROM WHICH AN OPERATOR MAY OPERATE**

- 40.1 The 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 (in section 39, above) are kept and at which the licensing Authority may inspect them.

- 40.2 The operator must notify the Authority in writing of any change of address during the period of the licence, within seven working days.
- 40.3 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.
- 40.4 The Authority will not grant an operator's licence for an operator with an operating base that is outside the district area. 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.

#### **41.0 ENFORCEMENT**

- 41.1 It is recognised that a well-directed, risk based approach to enforcement activity by the 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.
- 41.2 In pursuance of the objective to encourage responsible Hackney Carriage/ Private Hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime. With a view to balancing 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 such defects are such that vehicles or drivers need to be immediately prohibited, livelihood interference is inevitable.
- 41.3 The Enforcement guidelines, as set out in the 'Taxi Guide', will ensure that the Authority's enforcement effort is reasonable, transparent and well directed.

#### **42.0 RANGE OF POWERS**

- 42.1 The Council may take any of the steps below upon receipt of evidence that an offence has been committed in relation to Hackney Carriage licences, Private Hire licences or Private Hire operator's licences. A breach of a condition in the Licensing Policy 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 or Cautions;
- v) Prosecution.

Further detail can be found in the 'Taxi Guide'.

- 42.2 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.



42.3 The following powers are specifically delegated to the Head of Service, Environmental Health Manager, Licensing Manager, Enforcement Officer and Assistant Licensing Officers, subject to the post holder/s being competent to exercise the powers.

- i) Suspension of existing licences in urgent situations.
- ii) Refusal to renew existing licences
- iii) Refusal of new applications
- iv) Amendments to Schedules of this Policy
- iii) Representations regarding the application of the Policy or Conditions in individual cases.

42.4 The following powers are delegated to the Licensing Sub Committee:

- i) The formulation and adoption of the Council's Hackney Carriage and Private Hire Licensing Policy
- ii) Hearing applications or reviews of licenses when the Breaches of Licensing Conditions and Convictions Scheme require a Committee Hearing.
- iii) Consideration of suspensions of licenses when charges relating to serious offences have been laid.

#### **43.0 DISCIPLINARY HEARINGS**

43.1 Disciplinary matters that are considered by the Authority's Licensing Sub Committee shall follow procedures as set out in the 'Taxi Guide'.

#### **44.0 WARNINGS**

44.1 In respect of minor breaches of licence conditions the Authority shall issue warnings and cautions as are appropriate to the circumstances. Further guidance relating to this can be found in the 'Taxi Guide'.

#### **45.0 RIGHTS OF APPEAL**

45.1 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, refuse to renew, suspend or revoke a licence; the applicant has a right of appeal to the local Magistrates' Court. The specific grounds for appeal are detailed in the 'Taxi Guide'.

45.2 Any appeal must be lodged at the Court within twenty-one days of the applicant receiving notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

#### **46.0 VEHICLE INSPECTIONS**

46.1 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 the Authority. Further guidance on vehicle inspections can be found in the 'Taxi Guide'.

## **47.0 REVOCATION AND SUSPENSION OF LICENCES**

47.1 Where a licence holder has been referred to the Licensing Sub Committee, the Sub Committee may order the revocation or suspension of the licence.

## **48.0 REFUSAL TO RENEW**

48.1 As an alternative to revocation, the Licensing Sub Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is order that the licence shall not be renewed.

## **49.0 PROSECUTION**

49.1 The Authority shall prosecute licence holders for relevant offences in accordance with the statutory Regulators Compliance Code and its own enforcement guidelines.

## **50.0 COMPLAINTS**

50.1 The general public can submit complaints about licensed drivers and operators and the Authority will deal with each complaint on a case-by-case basis. All complaints will be dealt with in accordance with the process as in the 'Taxi Guide'.

## **51.0 FARES**

51.1 The Hackney Carriage Table of Fares ("the tariff") is set by the Authority and is a maximum fare that can be charged by Hackney Carriage Drivers.

51.2 The Authority shall review the tariff annually and will do so ready for each new financial year (1 April).

51.3 A table of authorized 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.

51.4 Private Hire operators that use licensed vehicles fitted with a fare meter shall provide the Authority with a current table of fares.

51.5 The Authority is not able to set fares for Private Hire vehicles.

51.6 Further guidance on fares and meters can be found in the 'Taxi Guide'.

## **52.0 METERS**

52.1 The meter will be calendar controlled to the current tariff as set by the Authority.

52.2 The taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is CBC compliant. The certificate issues must be available for inspection on the vehicle.

52.3 Seals must be intact at any time that the vehicle carries a licence plate except when at an approved installers premises.

52.4 Meters are required to meet the Public Carriage Office specification.

## **53.0 FEES**

- 53.1 The legislation provides that fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing Hackney Carriage stands and administering the regulation of the Hackney Carriages and Private Hire trades.
- 53.2 The appropriate fee must be paid when the application is submitted.
- 53.3 Licences surrendered prior to their expiry, or licenses that are suspended or revoked shall not be eligible for a refund.

## **54.0 HACKNEY CARRIAGE STANDS**

- 54.1 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. The stand is the only situation where a Hackney Carriage may ply for hire in a stationary position.
- 54.2 Stands can be continual or be for part time use.
- 54.3 Details of all public taxi ranks in the city are attached the 'Taxi Guide'.