

# HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY



# DRAFT

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# HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

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## **PART 1 – INTRODUCTION**

### **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 together with all Private Hire Operators who are licensed by Cambridge City Council.
- 1.2 This Hackney Carriage and Private Hire Vehicle Licensing Policy must reflect the councils clear vision for the future of the City. A city where people behave with consideration for others and where harm and nuisance are confronted wherever possible without constraining the lives of all. A city in the forefront of low carbon living and minimising its impact on the environment from waste and pollution. A city whose citizens feel they can influence public decision making and are equally keen to pursue individual and community initiatives
- 1.3 Hackney Carriage and Private Hire Vehicles play a vital and integral part in an integrated public 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.
- 1.4 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 to all parties 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 adoptive power 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) 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
  - ix) Road Traffic Acts
  - x) Human Rights Act 1998

### **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 licensed vehicles within the district are safe and comfortable. The Authority will also ensure the statutory requirement of insurance is in place when granting a licence.

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.

3.3 Cambridge City Council will operate a fair and transparent system for the Hackney Carriage and Private Hire trade.

### **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 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.
- 6.2 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 particularly following the Law Commission review in 2011/ 12. The Licensing Committee will make any amendments to the policy.
- 6.3 References are made in this policy to the "Taxi Guide". 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 Head of Refuse and Environment.

## **7.0 FEES**

- 7.1 There is a statutory power for the 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 the Hackney Carriages and Private Hire trades.
- 7.2 The appropriate fee must be paid when submitting any application.
- 7.3 Licences surrendered prior to their expiry, or licenses that are suspended or revoked shall not be eligible for a refund.

## **8.0 LICENSING PROFILE**

- 8.1 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.
- 8.2 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.

## **PART 2 – VEHICLES**

### **9.0 LIMITATION OF VEHICLE NUMBERS**

- 9.1 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"

- 9.2 The Authority currently has no limit on the number of Hackney Carriages that are licensed. However, the Authority intends to carry out a Demand Survey and a limit may be considered if it is established that there is no significant demand for the services of Hackney Carriages that is unmet.
- 9.3 Any limit imposed by the 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.
- 9.4 There are no powers for licensing authorities to limit the number of Private Hire Vehicles that they license.

## **10 SPECIFICATIONS AND CONDITIONS**

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 The 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 Volume Type Approval or UK National Small Series Type Approval Single Vehicle Approval (SVA) and Individual Vehicle Approval (IVA).
- 10.5 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.
- 10.6 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.
- 10.7 This will also apply to Private Hire vehicles unless they are treated as a “special vehicle”.
- 10.8 The ‘Taxi Guide’ will set out the specification and minimum standards in respect of Hackney Carriages and minimum standards for Private Hire Vehicles.

## 11 ACCESSIBILITY

- 11.1 It is intended that a Demand Survey focussing on Hackney Carriage services and accessibility will be undertaken in 2011/12 and as part of this relevant stakeholders will be consulted. This section of the policy may therefore be reviewed in light of the results of that survey.
- 11.2 Hackney Carriage licence plates numbered 1 to 121 retain grandfather rights to use saloon style vehicles.
- 11.3 All new Hackney Carriage licence plates 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 "Taxi Guide". There is not the same requirement for private hire vehicles to be wheelchair accessible.
- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 It is important that vehicle proprietors and Private Hire 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. However, this may be reviewed in light of the Demand Survey and Regulations made under the Equality Act 2010 relating to the positioning of wheelchairs. Drivers should be trained in the use of relevant belts and other restraint locking mechanisms.
- 11.8 Licensed drivers will 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.

## **12 VEHICLE TESTING**

- 12.1 The Authority needs to be satisfied that vehicles licensed by the City Council are safe to operate within its area.
- 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 of compliance.
- 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 Cambridge City Council testing will adhere to the National Vehicle Standards along with any localised byelaws or conditions as described in the 'Taxi Guide'.
- 12.5 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.
- 12.6 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 VEHICLE INSPECTIONS**

- 13.1 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'.

## **14 SIGNAGE AND ADVERTISING**

- 14.1 It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle.
- 14.2 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".



- 14.3 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.
- 14.4 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 for hire and reward.
- 14.5 Private Hire vehicles do not permit the display of advertisements. However, limited internal and external advertising may be permitted on hackney carriages in accordance with the Advertising Standards Agency code of practice and provided that the advertising leaves a 20 cm distance from the door crests. Any permission to display advertising will be subject to the prior written approval of the Council although advertisements concerning the following subjects will not normally be approved: -
- i) Political, ethnic, religious, sexual or controversial subjects
  - ii) Escort agencies, gambling establishments or massage parlours
  - iii) Nude or semi-nude figures
  - iv) Tobacco or alcohol
  - v) Anything likely to offend public taste
- 14.6 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.

## **15 HACKNEY CARRIAGE CRESTS**

- 15.1 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 with no background colour, and attached to both the nearside and offside front doors of the vehicle.

## **16 DRIVER SAFETY**

- 16.1 The trade provides a valuable service and security for drivers and passengers is of paramount importance.
- 16.2 There are a number of ways to reduce risks such as prepayment of fares, driver screens, CCTV surveillance systems and radio link schemes.
- 16.3 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.

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

## **17 HACKNEY CARRIAGE STANDS**

- 17.1 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.
- 17.2 Stands can be continual or be for part time use.
- 17.3 Details of all public taxi ranks in the city are attached the 'Taxi Guide'.

## **18 FARES**

- 19.1 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.
- 19.2 The Authority shall review the tariff annually.
- 19.3 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.
- 19.4 Private Hire operators that use licensed vehicles fitted with a fare meter shall provide the Authority with a current table of fares.
- 19.5 The Authority is not able to set fares for Private Hire vehicles.
- 19.6 Further guidance on fares and meters can be found in the 'Taxi Guide'.

## **19 METERS**

- 19.1 The meter will be calendar controlled to the current tariff as set by the Authority.
- 19.2 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. Seals must be intact at any time that the vehicle carries a Licence plate except when at an approved installers premises.
- 19.3 Meters are required to meet the Public Carriage Office Specification

## **20 VEHICLE APPLICATION PROCEDURES**

- 20.1 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'.

## **21 CONSIDERATION OF VEHICLE APPLICATIONS**

- 21.1 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.

## 22 GRANT OF LICENCES

- 22.1 Existing Licence holders shall be reminded prior to their expiry date, that their licenses are due to expire and of the need to arrange an appointment in order to apply to renew the Licence. 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.
- 22.2 It is the licence holder's responsibility to ensure that applications to renew a Licence are made prior to the expiry of the Licence.
- 22.3 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.

## 23 ENVIRONMENTAL CONSIDERATIONS

- 23.1 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 CO<sub>2</sub> emitted.
- 23.2 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.
- 23.3 The European Union has introduced stricter limits on pollutant emissions from light road vehicles, particularly for emissions of nitrogen oxides and particulates.
- 23.4 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).

### NO<sub>x</sub> and PM emission standards for diesel cars

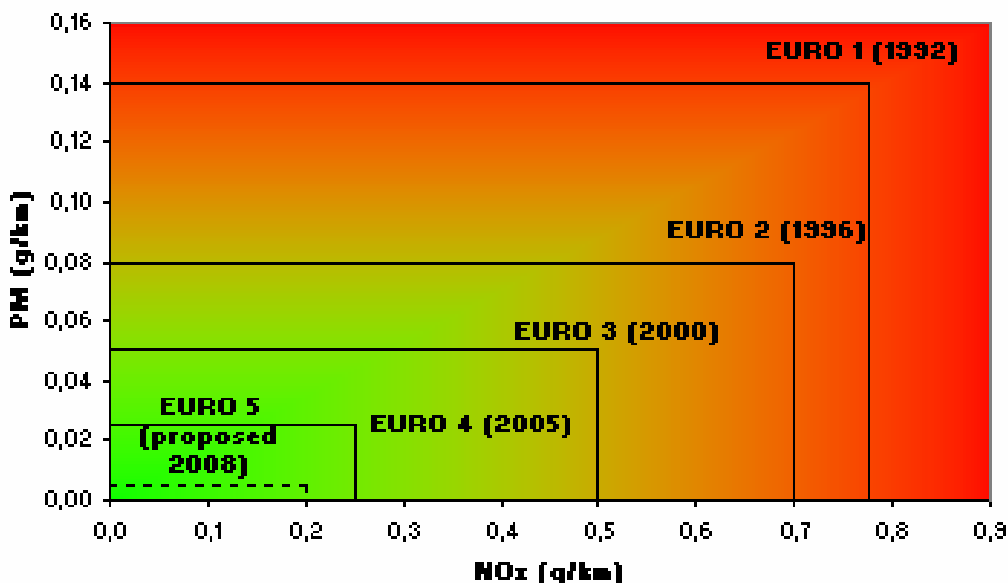


Figure 1 – Chart showing the implementation dates of successive Euro Standards and the Nox and PM levels for each of those standards

<b>Euro Standard</b>	<b>Date</b>	<b>Nox (G/km)</b>	<b>PM (G/km)</b>
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	0.025
Euro 5	September 2009	0.180	0.005
Euro 6	September 2014	0.080	0.005

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

- 23.5 Cambridge City has declared an Air Quality Management Area in 2004 because of predicted levels of nitrogen dioxide.
- 23.6 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).
- 23.7 Levels of nitrogen dioxide in central Cambridge remain above the National Objectives; therefore an Air Quality Action Plan was first adopted in 2005 and a more comprehensive version adopted in 2010.
- 23.8 To support the Councils Air Quality Action Plan:
- (i) the authority will require all new Hackney Carriage and Private Hire vehicles applying to license to meet the Euro 5 standard as a minimum and this would replace the maximum age of 4 years for new vehicles.
  - (ii) 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.
- 23.9 With the 8-year age limit this will mean that by 2017/18 all the fleet licensed will be to Euro 5 or 6 and accelerate the improvements in the fleet
- 23.10 The term `new` means any vehicle that is being licensed for the first time (ie a completer new license) or where a license is issued on a particular vehicle and then surrendered and subsequently the same license is issued on another vehicle
- 23.11 Encouraging better maintenance of vehicles could reduce emissions from licensed vehicles further, it is intended that this aspect be tackled through education and promotion.
- 23.12 Any application received for an electric or hybrid vehicle will be considered on its own merits.

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

- 24.1 Stretched limousines are elongated saloon cars, which are generally used for Private Hire work and special occasions.
- 24.2 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.
- 24.3 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.
- 24.4 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'

## **25 CONTRACT VEHICLES**

- 25.1 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.
- 25.2 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.
- 25.3 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.
- 25.4 All ambulances registered with the British Ambulance Association will be exempt from private hire licensing.
- 25.6 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.

- 25.7 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.
- 25.8 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.
- 25.9 When determining whether a vehicle is operating as a Private Hire Vehicle, the Authority will have reference to the Department for Transport's guidance note "Private Hire Vehicle Licensing" and any relevant case law.
- 25.10 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.

## **26 PRESTIGE TYPE VEHICLES**

- 26.1 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.

## **27 WEDDING VEHICLES**

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

## **28 FUNERAL VEHICLES**

- 28.1 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.

## **PART 3 - DRIVERS**

### **29 DRIVERS PARALLEL PROCEDURES**

- 29.1 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.

### **30 LICENCES**

- 30.1 The Authority requires that separate driver's licences be held in respect of driving Hackney Carriage and Private Hire vehicles. The first license issued will be for a maximum period of 12 months and thereafter there is the option of having a license issued for a minimum of 12 months or a maximum of 3 years
- 30.2 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. However, if the license is issued for up to 3 years these controls will still be in place
- 30.3 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.
- 30.4 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.

## **31 ELIGIBILITY TO WORK**

- 31.1 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'.

## **32 CRIMINAL RECORDS BUREAU**

- 32.1 The requirements of this part of the policy shall be subject to review in light of the Government's review of the Vetting and Barring Scheme.
- 32.2A 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.
- 32.3 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.
- 32.4 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.
- 32.5 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.
- 32.6 Drivers must report all new convictions (including driving convictions), police 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'.

- 32.7 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'.
- 32.8 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'.

### **33 MEDICAL EXAMINATION**

- 33.1 Medicals are required for all new applicants and at the age of 45 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 65, it will last for one year and be required annually thereafter.
- 33.2 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.
- 33.3 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.

### **34 KNOWLEDGE**

- 34.1 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.
- 34.2 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
  - v) Basic English and Numeracy
- 34.3 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'.

### **35 DRIVING PROFICIENCY**



- 35.1 The Driving Standards Agency (DSA) provides a driving assessment designed for Hackney Carriage and Private Hire drivers.
- 35.2 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.

### **36 DRIVER APPLICATION PROCEDURES**

- 36.1 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'.

### **37 GRANT OF DRIVER LICENCES**

- 37.1 Existing driver Licence holders shall be reminded prior to their expiry date, that their Licences are due to end and of the need to arrange an appointment in order to apply to renew the Licence. 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 existing Licence.
- 37.2 It is the Licence holder's responsibility to ensure that applications to renew a Licence are made prior to the expiration of the existing Licence.

### **38 CONDITIONS OF DRIVER LICENCES**

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

### **39 CODE OF GOOD CONDUCT**

- 39.1 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.

## **PART 4 - OPERATORS**

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

- 40.1 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.
- 40.2 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.
- 40.3 A Private Hire operator shall ensure that every Private Hire vehicle is driven by a person who holds a Private Hire driver's licence.

40.4 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.

40.5 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

40.6 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.

40.7 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.

40.8 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.

40.9 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'.

## **41 INSURANCE**

41.1 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.

41.2 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 on the operators fleet policy.

## **42 PRIVATE HIRE OPERATOR LICENCE DURATION**

42.1 Cambridge City Council shall grant Private Hire operator licences for a period of one year from the date of grant.

42.2 Holders of existing Private Hire operator's licences shall be reminded when their licences are due to be renewed.

## **43 RECORD KEEPING**

43.1 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

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

- 44.1 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.
- 44.2 The operator must notify the Authority in writing of any change of address during the period of the licence, within seven working days.
- 44.3 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.
- 44.4 The 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.

### **PART 5 - ENFORCEMENT**

#### **45 ENFORCEMENT**

- 45.1 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.
- 45.2 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. 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.
- 45.3 The enforcement management system, as set out in the 'Taxi Guide', will ensure that the Authority's enforcement effort is reasonable, transparent and well directed.

- 45.4 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.
- 45.5 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.
- 45.6 The Enforcement Management System will give an indication of when a licence holder will be referred to the Licensing Sub Committee as a result of the accumulative effect of any or all of the following : breaches of the legislation governing Hackney Carriage and Private Hire licensing ; the Council's conditions of licence; the Council's Grounds for Disbarment ; any breaches of this policy.
- 45.7 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.
- 45.8 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.

## **46 RANGE OF POWERS**

- 46.1 The Council may take any of the steps below upon receipt of evidence that a condition attached to a Licence has been breached or a complaint has been received in relation to Hackney Carriage Vehicle or Driver licences, Private Hire Vehicle or Driver licences or Private Hire operator's licences.
- 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 Council 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 'Taxi Guide'.

- 46.2 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.

46.3 The Council has delegated the following powers to the Head of Refuse and Environment:

- i) Hackney Carriages, private hire vehicles and trishaws except: the suspension of a driver's or a vehicle licence, unless the driver or proprietor of the vehicle, as appropriate, is informed of the right to appeal to the Licensing Sub-Committee within 14 days and in the event of such an appeal, the matter shall be heard within 7 days of receipt of the appeal.

46.4 The Council has delegated to the Licensing Committee, who subsequently delegated to the Licensing Sub-Committee, the following powers relating to the licensing of Hackney Carriages and Private Hire Vehicles, the drivers of Hackney Carriages and Private Hire Vehicles, and the Operators of Private Hire Vehicles:

- i) To grant an application for a Licence
- ii) To attach conditions to a Licence
- iii) To refuse an application for the grant of a Licence
- iv) To refuse to renew an existing Licence
- iv) To suspend a Licence
- v) To revoke a Licence

## **47 DISCIPLINARY HEARINGS**

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

## **48 COMPLAINTS**

48.1 The general public may submit complaints about licensed drivers and operators. All complaints will be dealt with in accordance with the process as in the 'Taxi Guide'.

## **49 WARNINGS**

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

## **50 PROSECUTION**

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

## **51 REVOCATION AND SUSPENSION OF LICENCES**

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

## **52 REFUSAL TO RENEW**

52.1 The Licensing Sub Committee have the discretion to decide that, if a Licence is due to expire, it would be more appropriate to refuse to renew the Licence, as an alternative to revocation.

## **53 RIGHTS OF APPEAL**

- 53.1 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 'Taxi Guide'.
- 53.2 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.