



HACKNEY CARRIAGE & PRIVATE HIRE  
**LICENSING POLICY**  
20XX - 20XX



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## 1 FOREWORD by Councillor Alasdair Ross, Portfolio Holder

This policy seeks to set a standard that is amongst the highest in the country with the intention of both protecting the public and retaining confidence in the licensed trade.

It is designed to promote improved professional behaviour amongst licence holders, to increase their awareness of safeguarding issues, and to allow those that share the Council's commitment to a high standard of service to thrive. The policy will make it extremely difficult for disreputable individuals to operate within the licensed trade.

Both the Jay Report into Child Sexual Exploitation (CSE) in Rotherham and the subsequent Corporate Governance Inspection led by Louise Casey CB identified issues, amongst which was the importance of having effective regulatory and enforcement functions in preventing and disrupting CSE. The Taxi Licensing function has a key role in this. At the heart of the new policy lies a commitment to the protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder.

We aim to ensure that licensed drivers, operators and vehicles operating in the Borough are of the highest quality, and can be held to account for their performance.

The Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel around the Borough, in doing so they also have a role in portraying the image of the Borough. The drivers themselves have a key role as ambassadors for the Borough and customers rightly expect that in using licensed vehicles they will be transported in comfort and safety. This will help to ensure that the industry and the local economy thrive.

The policy has been the subject of two rounds of consultation and I am grateful to all those who contributed their comments which has helped to shape the final policy. The Council will begin the task of implementation from xxx and review progress and the workings of the policy in 12 months' time.



Alasdair Ross, Portfolio Holder, 2018

## 2 INTRODUCTION

Ipswich Borough Council is responsible for the regulation of the Hackney Carriage and Private Hire trades within the boundaries of the Borough of Ipswich.

This policy and related procedures will guide the work of Ipswich Borough Council in the way in which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council.

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered. In addition, the Council will undertake periodic auditing of currently licensed drivers/vehicles to ensure that perverse or wrong decisions are discovered and corrected. Such audits will be conducted using this policy as the required standard.

The policy has been developed by Ipswich Borough Council after consulting with both the public at large and the trade in particular. In developing this policy we have also taken into consideration:

- The Council's licensing aims and objectives (see Section 4 of this policy);
- Current legislation;
- The Office of Fair Trading "The Regulation of Licensed Taxi

and PHV Services in the UK" 2003;

- Taxi and PHV Licensing Criminal Convictions Policy: Local Government Regulation, September 2018;
- Guidance on the Rehabilitation of Offenders Act 1974 - March 2014;
- Disclosure and Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders 2013;
- Regulator's Code 2016;
- The Department for Transport "Taxi and Private Hire Vehicle Licensing Best Practice Guidance"

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However, each application or enforcement action will be considered on its own merits.

The policy will be evaluated 12 months after it has been introduced, this will be to determine whether the policy is effective and has achieved the aims set out in Section 3 of this document. Following this initial evaluation, the Council will formally review the policy statement at least every three years and informally re-evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions, along with a revised policy.

## 3 DEFINITIONS

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) and the Town Police Clauses Act 1847 provides the regulatory framework for Ipswich Borough Council (the “Council”) as the Local authority (the “Authority”) to carry out its licensing functions in respect of Hackney Carriage and Private Hire Licensing.

**This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force. This policy applies to:**

- Hackney Carriages: being a vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public, or undertake pre-booked work;
- Private Hire vehicles: licensed to carry no more than eight passengers but must be booked in advance by customers through a private hire operator and cannot ply for hire in the street;
- Private Hire Operators;
- Hackney Carriage and Private Hire Vehicle Drivers.

**In undertaking its licensing function, the Council will comply with relevant legislative requirements, including;**

- Town Police Clauses Act 1847 and 1889;
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998

The Council will also have regard to other strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents. These include the availability of Hackney Carriage and Private Hire transport at all times; public nuisance; pollution; crime; and the capacity of the trade to cope with customer demand, particularly at night.

## 4 AIMS AND OBJECTIVES

**To protect the public and to safeguard children and vulnerable persons by:**

- Ensuring that hackney carriage and private hire vehicles are mechanically safe, clean, reliable and insured;
- Ensuring that drivers, proprietors and private hire operators are fit and proper persons;
- Ensuring a system of local control.

**To encourage a “mixed” fleet of vehicles to meet the varying needs of those who use hackney carriage and private hire vehicles;**

- To provide clarity to all relevant parties with respect to the Council’s expectations of licence holders and applicants and the decision making process;
- To encourage high standards of service and competence in the combined hackney carriage and private hire trades.

**This policy shall apply to all applications and other areas connected to the following licences:**

- Private Hire vehicle proprietor
- Private Hire driver
- Private Hire operator

- Hackney carriage driver
- Hackney carriage proprietor

This Policy shall also apply in respect of disciplinary and enforcement measures.

**Methods**

Methods to promote the objective of the policy will include:

- Setting the standards for the licensing of drivers, vehicles and operators
- The licensing and routine inspection of vehicles, with appropriate follow up action
- Routine inspection of insurance and MOT certificates, with appropriate follow up action
- The assessment of applicants for driver licences to ensure they are a “fit and proper” person and thereby entitled to hold a licence. This will include consideration of the person’s medical fitness, criminal and driving records (if any), knowledge of the relevant law and locality in which they wish to work and driving standards.
- The assessment of applicants for private hire operator licences to ensure that they are “fit and proper” persons and thereby entitled to hold such a licence.

## 4 AIMS AND OBJECTIVES

- Investigation of complaints with appropriate follow up action.
- Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
- Taking enforcement and/or disciplinary action which may include the pursuit of criminal prosecution; the giving of informal advice; the giving of verbal and written warnings, the administration of simple cautions; the issue of formal notices, suspensions or revocations of licences for breaches of legislation or conditions of licence.
- By imposing and monitoring conditions of licences;
- By monitoring compliance with Byelaws.

When considering taking enforcement action the Council as Licensing Authority will have regard to the Regulators' Compliance Code, Ipswich Borough Council's Enforcement Policy and the Code for Crown Prosecutors.

### **Best Practice Guidance**

In formulating this Policy the Council has had regard to the best practice guidance issued by the Department for Transport.

### **Status**

In carrying out its regulatory functions, the Council will have regard to legislation, case law, national guidance, this Policy and objectives set out above.

Notwithstanding the existence of this Policy, the Council recognises that it has the ability to exercise discretion and each application or enforcement measure will be considered on its own merits. Where it is necessary to depart from the Policy, clear and compelling reasons will be given for doing so.

In the event that any provision of this policy is, or becomes incompatible with any statutory provision, such provision of the policy shall be disregarded when determining any matter to which it relates.

### **Implementation and Review**

This Policy will take effect from the xxxxxx for all applications.

Where a person's continued entitlement to hold a licence is affected by this policy this will be considered on an individual basis.

The Council will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every three years from the date of effect above.

Upon implementation of this Policy, the Council requires licence holders to comply with its terms immediately unless specific provision as set out within the policy is made for transitional arrangements in respect of existing licences.

From the date of adoption, unless a different effective date has been specifically stated, this Policy overrides and supersedes all existing and previous policies of similar effect in relation to private hire and hackney carriage licensing in Ipswich.

The Council may, in addition to undertaking a full review of the Policy, undertake an earlier review of the full policy or areas of the policy as necessary to reflect any legislative or other changes relating to hackney carriage and private hire licensing prior to the three year review period.

Changes to the Policy may have immediate effect or be expressed as coming into effect on a specified date. The Policy document will be regularly updated to reflect these changes and amended copies will be available on the Council's website at [www.ipswich.gov.uk](http://www.ipswich.gov.uk) or from the Council's Licensing Team.

### **Consultation**

In preparing this Policy the Council has undertaken and had regard to the comments received following extensive consultation with:

- **Currently licensed Hackney Carriage and Private Hire Drivers;**
- **Currently licensed Private Hire Operators;**
- **Suffolk Constabulary;**
- **Access Group;**
- **The general public via the Council's website.**

## 5 DELEGATIONS

Under the Council's Constitution the Licensing and Regulatory Committee has the authority, amongst other licensing matters, to discharge non-executive regulatory functions with respect to Hackney Carriage and Private Hire licensing. This function is further delegated to the Hackney Carriage and Private Hire Enforcement Sub Committee comprising of three elected members drawn from the Licensing and Regulatory Committee which determines applications, contraventions, suspensions and revocations.

References regarding the Licensing and Regulatory Committee (the Committee) shall, in this policy, also be inclusive of the Hackney Carriage and Private Hire Enforcement Sub Committee.

The Operations Manager – Public Protection, in conjunction with the Chair of Licensing and Regulatory Committee, has been delegated by the Council to grant, suspend and refuse licences. In practice this power is restricted to the immediate suspension/revocation of licences in the interests of public safety, and the granting of licences where there are no criminal or other concerns that give rise to doubts over the applicant's suitability to hold a licence.

In addition, the Operations Manager – Public Protection is delegated to appoint and authorise officers to investigate and discharge statutory duties. These officers include the Senior Licensing and Enforcement Officer, Licensing Enforcement Officer and Licensing Officers. Such authorised powers include the issuing of warnings and STOP notices.

## 6 DRIVER REQUIREMENTS

All drivers must satisfy the Council that they are fit and proper people to be granted a drivers' licence, and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored/assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

The Council aims to ensure that Private Hire and Hackney Carriage services delivered within the borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The sections below, therefore, apply equally to Private Hire and Hackney Carriage drivers unless indicated and the application procedure is set out in Appendix A.

### **6.1 Fit and Proper Person Test**

The Council considers that licensed drivers are in a position of trust, and therefore the Council must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This requirement is contained

within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term "Fit and Proper Person" for the purposes of Taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences/applications are effectively asking the following question of themselves:

"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

## 6 DRIVER REQUIREMENTS

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Ability to speak English
- Medical fitness
- Standard of driving/driving ability
- General conduct/standards of behaviour (including online behaviour)

The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process)

The previous licensing history of existing/former licence holders (including honesty and integrity)

Theoretical knowledge of issues and matters related to the work of a licensed driver

In addition, the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

### 6.2 Application Process

This Council issues licences that enable the driving of both Hackney Carriages and Private Hire Vehicles. Licences shall be issued for a maximum period of three years but the Council can grant licences for a lesser period if deemed appropriate.

Applicants shall have a minimum of four years of holding a full driving licence issued in the UK. The Driving Licences (Community Driving Licence) Regulations 1996 allow full driving licences issued by European Economic Area states to count towards the qualification requirements for the grant of Hackney Carriage and Private Hire Drivers Licences.

The Council may directly access the DVLA records of applicants, or alternatively will employ the services of a third party to do this. In addition, a third party service may be used to assess the suitability of applicants based on their general behaviour whilst using the internet (in particular social media sites).

Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council departments and external statutory bodies e.g. Police and HM Customs & Excise.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the Licensing and Regulatory Committee) as part of any process associated with the administration or determination of a licence.

### 6.3 Disclosure and Barring Service (DBS)

A criminal record check on a driver is seen as an important safety measure.

An Enhanced Disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety. The DBS application procedures are detailed in Appendix B of this policy.

Both Hackney Carriage and Private Hire drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order"). Accordingly all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS certificate. Advice will be provided in relation to certain old and minor cautions and convictions which are referred to as "protected". These do not have to be revealed, and will not appear on the DBS certificate. This advisory clause is intended as general guidance only and anyone in doubt should seek their own legal advice.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate.

The Council will only accept DBS certificates which are applied for through Ipswich Borough Council's Licensing Unit. However, DBS certificates that are issued to other local authorities will be accepted if it has been printed within the last four weeks, is to an enhanced level and has been processed in relation to the child and adult workforce or other workforce employment position (as specified on the certificate). The Council will also accept DBS certificates for the child and adult workforce or other workforce employment position where the applicant has registered for the DBS Update Service.

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the

## 6 DRIVER REQUIREMENTS

Council of any convictions or cautions received during their licence period. Failure to inform the Council of any convictions, cautions and fixed penalty notices during the licensing period may result in suspension or revocation of the licence.

A licence will not be granted in the absence of a current Enhanced DBS Disclosure Certificate.

If a new applicant fails to be granted a licence within three months of the DBS certificate being returned, a re-check of the DBS will be carried out at the applicants' expense. All new applicants will be encouraged to apply for the DBS Update Service which will enable the Council to carry out a re-check online and free of charge.

Once a licence has been granted to an applicant, whether as a new licence or renewed licence, the licence holder is required to register with the DBS Update Service in order that the DBS may be checked online at the next renewal. Any applicant for a licence renewal who has not registered with the DBS Update Service will be required to undergo a DBS check with a third party provider and submit the certificate to the Council in time for the licence renewal.

### **Applicants with periods of residency outside the UK**

If an applicant was not born in the UK and moved to the UK after they reached 10 years of age and is not a British citizen, the Council will need to see a Certificate to prove that they don't have a criminal record in their country of birth or in any other country that they may have lived in before coming to the United Kingdom. If these certificates are not in English they must be translated by an official translator with a certificate from the official translator.

If an applicant has spent six continuous months or more overseas the Council will need to see evidence of a criminal record check from the country/countries visited covering the period that the applicant was overseas.

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

### **6.4 National Register of Licence Revocations and Refusals**

The Council will access the National Register of Licence Revocations and Refusals to check if an applicant has previously had a licence refused or revoked by another local authority.

### **6.5 Relevance of Convictions and Cautions etc.**

The Council is committed to ensuring that the licensed trade are fit and proper, this will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warnings and reprimands etc., the Council has adopted the policy set out in Appendix C. The terms of this policy will have immediate effect, and will be immediately applied to all current licences issued by Ipswich Borough Council (in so far as they relate to Private Hire and Taxi licensing).

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits. 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.

Those applications or renewals with information indicating a past criminal record or, any other concern, will be referred to the Licensing and Regulatory Committee which will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the policy at Appendix C. The policy at Appendix C will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence part way through the licence period.

### **6.6 Medical Assessment**

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the 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 and therefore requires Group 2 Standards of Medical Fitness as applied by the DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed Hackney Carriage and Private Hire drivers.



## 6 DRIVER REQUIREMENTS

Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner or by a General Practitioner who has access to the applicants medical record. on first application, at 45 years of age and every five years thereafter until aged 65 years when annual examinations are required. Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to submit annual forms and adhere to additional requirements in order for them to retain their driver's licence.

Holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) Licences, where the holder is able to produce proof of driving entitlement, shall not be required to undergo a medical examination on first application and for the duration of this licence.

Licence holders must advise the Licensing Unit of any deterioration or other change in their health that may affect their driving capabilities. If a licensed driver develops a medical condition that fails to meet the DVLA Group 2 medical standards of fitness to drive, the licence will be immediately suspended or revoked. When the driver subsequently meets the DVLA Group 2 medical standards, the licence will be re-issued if their DBS and driving licence check remains current.

Where there is any doubt as to the medical fitness of the applicant, the Council may make further enquiries of the General Practitioner or specialists before determining an application.

No licence shall be issued until medical clearance (if required) has been established.

### 6.7 Driving Standards Test

Applicants for the grant of new hackney carriage and private hire driver licences will be required to present a certificate from one of the Council's approved driving assessors for an assessment for taxi and private hire drivers.

An existing licensed driver, who has not previously undertaken a driving assessment for taxi and private hire drivers, may be required to undertake such a test in certain circumstances, namely:

- Obtaining 9 or more penalty points on their DVLA driving licence;
- One serious or three minor fault accidents within a one year period;
- Serious complaint(s) about driving standards;

This list is not exhaustive and there may be other reasons for requiring an existing licensed driver to undertake an assessment. In all instances, a driver will receive a letter explaining the reasons for requiring an assessment.

If a currently licensed driver does not comply with the request for an assessment, the matter will be referred to the Hackney Carriage and Private Hire Enforcement Sub Committee (see Section 11 below) for it to determine whether the driver remains fit and proper to hold a licence.

### 6.8 Right to Work in the UK

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland);
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment;
- Full UK Birth/Adoption Certificate
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted - further information will be provided by the Licensing Office on request.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

A licence application will not be accepted/processed unless all elements of the application process have been completed.

## 6 DRIVER REQUIREMENTS

### 6.9 Qualifications

All new applicants for a taxi and private hire driver's licence will be required to present a pass certificate for the BTEC Level 2 course in an Introduction to the Role of a Professional Taxi and Private Hire Driver to the Council.

Drivers of wheelchair accessible vehicles are also required to undertake specific training in disability awareness and how to safely load, secure and unload wheelchair passengers. This training is to ensure the safety of both the driver and the passenger when a passenger in a wheelchair wishes to undertake a journey in an accessible vehicle. This training is to be carried out at the drivers' expense and a pass certificate presented to the Council within three months of a driver acquiring a wheelchair accessible vehicle. If a currently licensed driver does not present a pass certificate to the Council, the matter will be referred to the Hackney Carriage and Private Hire Enforcement Sub Committee (see Section 11 below) for it to determine whether the driver remains fit and proper to hold a licence.

### 6.10 Assessment

All new applicants for a combined hackney carriage and private hire drivers licence will also need to pass the Council's assessment based on the conditions of licence for a private hire driver and the byelaws for a hackney carriage driver. Applicants will be permitted to sit the assessment a maximum of three times and if it is not passed within this time, will be required to wait for 6 months before re-taking the assessment.

### 6.11 Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of Ipswich and are seen as key Ambassadors for the Borough.

Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers is to be welcomed.

To ensure that not only are the above objectives met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set. This is provided at

Appendix D. It is a condition of licence that drivers adhere to this policy.

Employees working for companies operating their own dress codes will still be required to comply with the Council's standard.

### 6.12 Duration of Licence

All new applicants for licences will be issued with a combined hackney carriage/private hire driver's licence and the Council will normally issue licences for a one, two or three-year period.

However the Council does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

Instances where a shorter-term licence will be issued are:

- An applicant's DVLA driving licence expires within the 3 years;
- An applicant has a medical condition requiring annual checks;
- The right to work expires within three years;
- It is requested by the applicant.

### 6.13 Code of Conduct when working

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly a specific Code of Conduct must be complied with when working with vulnerable passengers. This is provided at Appendix E. It is a condition of licence that drivers adhere to this policy.

### 6.14 Conditions

The Council may attach such conditions to a Private Hire/ Hackney Carriage driver's licence as are considered necessary. These are set out in Appendix F.

The Council has also made byelaws that are specifically applicable to Hackney Carriage drivers/proprietors. The existing Hackney Carriage byelaws are set out in Appendix G. These byelaws will be reviewed from time to time.

## 7 HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

### 7.1 Application Process

The Council will consider all applications for vehicle licences on their own merits. The procedure for dealing with applications for Private Hire and Hackney Carriage vehicles is set out in Appendix H.

The applicant must submit the following to the Council in order for the application to be considered valid:

- The vehicle application form or on-line application;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has been recently purchased by the applicant (documentary evidence of the bill of sale will be required). Licences will not be renewed unless the full V5 document is made available to the Council at the time of application.
- The original (or emailed directly from the insurance broker/agent) insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued).
- A mechanical test pass certificate from one of the Council's approved testing stations.
- A current MOT certificate (if the vehicle requires one by law).

#### In addition:

Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.

The application must be made online or on the correct application form and all supporting documents completed in full.

### 7.2 Grant and Renewal of Licences

The vehicle must be submitted for a compliance test at an approved test station. A Certificate of Compliance will be issued and must be produced within three working days of the test as evidence that the vehicle meets the required standard. At this stage a vehicle licence will be issued, subject to the completion of all other elements of the application process and the provision of a valid certificate of motor insurance.

Vehicle licences will be issued for a one year period, commencing on the date that the licence is issued but any vehicle aged four years or over will be required to

submit a Certificate of Compliance at six monthly intervals (commonly referred to as a half yearly test). A licensed vehicle cannot be subjected to a half yearly or annual test more than eight weeks before the due date and test certificates must be given to the Council within 3 working days of the test being carried out.

### 7.3 Designated Vehicles list

The Council has implemented a 'Designated Vehicles' list under Section 167 of the Equality Act 2010 and every wheelchair accessible hackney carriage and private hire vehicle will automatically be included onto that list. Section 165 of the Equality Act 2010 places a duty on the driver of a 'designated vehicle' to:

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

#### Mobility assistance is defined as:

- To enable the passenger to get into or out of the vehicle;
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- To load the passenger's luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

A driver of a 'designated vehicle' may apply for an exemption certificate and this is attached as Appendix I.

### 7.4 Vehicle Emissions

In order to impact on emissions it is important to set standards that are common to all within the vehicle fleet, to ensure consistency and a level playing field for proprietors, operators and drivers.

The exhaust emission standard is critical to the level of pollutants emitted, therefore, to improve air quality and reduce emissions, standards relating to exhaust emissions will be introduced.

In recognition of the significant additional expense for a wheelchair accessible vehicle, there are different emissions standards for these vehicles.

## 7 HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

### **From 2020 (when the vehicle licence is renewed)**

Non-wheelchair accessible vehicles – New and Existing

Must meet either the Euro 5 petrol, Euro 6 diesel standard or ultra-low emissions.

Wheelchair Accessible vehicles – New

Must meet either the Euro 5 petrol, Euro 6 diesel standard or ultra-low emissions and be less than 4 years old when first presented for licensing.

Wheelchair Accessible vehicles – Existing

Must meet either the Euro 5 petrol, Euro 5 diesel standard or ultra-low emissions and be newer than the current licensed vehicle.

### **From 2025**

Wheelchair Accessible vehicles – New and Existing and Non-Wheelchair Accessible vehicles – New and Existing

Must meet either the Euro 5 petrol, Euro 6 diesel or ultra-low emissions and, for existing licensed vehicles, be newer than the current licensed vehicle.

### **7.5 Insurance**

It is required that all insurance documents must be shown before a licence is issued. This requires:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle;
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward;
- A Private Hire vehicle requires insurance to cover hire and reward;
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity.

The Council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

### **7.6 Vehicle Specification**

The Council has set down a series of specifications. A vehicle will need to comply with these specifications prior to it being accepted as a licensed vehicle.

The specification for saloon vehicles is set out in Appendix I and for Wheelchair accessible Hackney Carriages at Appendix J.

The specification for tuk tuks or motorised pedicabs is set out in Appendix K.

The specification for Private Hire (Special Needs) Vehicles is set out in Appendix L.

### **7.7 Conditions**

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of Hackney Carriage or Private Hire Vehicle licences.

These are set out in Appendix M for Private Hire Vehicles and Appendix N for Hackney Carriages.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account the aims and objectives of this policy.

### **7.8 Identification of Vehicles as Hackney Carriage or Private Hire**

Hackney Carriage vehicles will display a white licence plate on the rear of the vehicle and a smaller white licence plate on the inside of the vehicle. In saloon vehicles, this internal plate should be displayed in the front windscreen, on the passenger side and not obscure the driver's view. In wheelchair accessible vehicles, this plate should be displayed on the partition between the driver and passengers.

In addition, Hackney Carriages will have an illuminated 'taxi' roof sign.

Private Hire vehicles will display a yellow licence plate on the rear of the vehicle and a smaller yellow licence plate on the inside of the vehicle, as per hackney carriages.

Private Hire Vehicles may display the Private Hire Operator logo on the vehicle.

### **7.9 Fire Extinguishers**

All vehicles are required to be equipped with a fire extinguisher that conforms to the specification as stated in the Council's conditions.

### **7.10 Tyres**

Tyres are the vehicle's only point of contact with the road, so it is essential that they are in good condition. The Council requires that all licensed vehicles adhere to the following provisions with regard to tyres:

## 7 HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 1.6 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.

Tyres fitted to a motor vehicle must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:

- Be compatible with the types of tyres fitted to the other wheels;
- Not have any lump, bulge or tear caused by separation or partial failure of the structure;
- Not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord;
- Not have any part of the ply or cord exposed;
- Tyres must be correctly inflated to the vehicle/tyre manufacturer's recommended pressure.

All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company /contractor. Vehicle proprietors are required to retain invoices /receipts to show that any tyre that is purchased meets this requirement. The fitting of part worn tyres to licensed vehicles is not permitted.

'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

### 7.11 Accidents

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 72 hours (by letter or email).

The vehicle must be presented for inspection at the Council Offices as soon as possible after the accident has taken place. Failure to present the vehicle for the inspection may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact – the Council will then advise the proprietor of

the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven/ presented for examination.

### 7.12 Vehicle Examination and Testing Requirements

Any vehicle presented for licensing on first application will be required to have a mechanical test at one of the Council's approved testing stations listed below, all testing stations offer a joint MOT and Council test:

<b>CVS, Holywells Road, Ipswich</b>	<b>Tel: 216462</b>
<b>Purlings, Goddard Road, Ipswich</b>	<b>Tel: 744333</b>
<b>CATS, Bramford Road, Ipswich</b>	<b>Tel: 252381</b>
<b>Go Plant Services, Goddard Road, Ipswich</b>	<b>Tel: 341444</b>
<b>Ipswich Clutch Centre, Unit 4/5 Cavendish Street, Ipswich</b>	<b>Tel: 233288</b>

The test certificate must be handed to the Council within three working days of the test being undertaken.

### 7.13 Taximeters

Hackney Carriage vehicles are required to have a taximeter calibrated with the Council's fare tariffs. Private Hire vehicles may have a taximeter, but it is not a requirement to do so, which may be calibrated with a Private Hire Operator's fare tariffs.

The Council has approved the use of Cygnus, Aquila, Digitax, Viking and Halda taximeters. The meter agents are:

<b>Cygnus meters</b>	<b>Simon Wallis</b>	<b>Tel: 729568</b>
<b>Viking, Aquila and Halda meters</b>	<b>Tony Kirby</b>	<b>Tel: 07880 730908</b>
<b>Digitax meters</b>	<b>Darren Craigie</b>	<b>Tel: 710720</b>

### 7.14 CCTV Cameras

Outward facing CCTV cameras that do not record passengers, such as 'dash-cams' may be used in licensed vehicles without the need to notify the Council. CCTV cameras that record passengers either images or sound or both must be a system that has been approved for use and permission must be obtained from the Council before it is installed.

Once a CCTV camera has been installed, it will be sealed with a tamper-proof seal. CCTV footage may be downloaded by the Council, by a Private Hire Operator registered as a 'data controller' with the Information Commissioner. CCTV images recorded in licensed vehicles may not be published to the public, via any method, without the permission of the Council. Permission will not generally be granted, unless the consent of any person featuring in the CCTV has been obtained in writing or it is in the public interest.

## 8 FARES

### 8.1 Hackney Carriage Vehicles

The Hackney Carriage Table of Fares (“the tariff”) is set by the Council and sets the maximum fare that can be charged by Hackney Carriage drivers for journeys within the Borough which can be negotiated downwards by the hirer for journeys. The hirer may agree to the fare for a journey that terminates outside the Borough boundary being charged other than at the metered rate.

A fares tariff is enforceable as a byelaw and it is an offence for the driver to charge more than the metered fare.

The Council will review Hackney Carriage fare tariffs from time to time and in line with the Consumer Price Index (CPI) for the previous year and in liaison with Hackney Carriage proprietors. A notice of any variation to Hackney Carriage fares will be advertised by the Council.

A table of authorised maximum fares will be provided to each Hackney Carriage licence holder, which must be displayed in the vehicle in a position where it is visible to passengers.

Drivers must, if requested by the hirer, provide written receipts for the fare paid.

### 8.2 Private Hire Vehicles

The Council is not permitted to set fares for private hire vehicles.

Private Hire vehicles that are fitted with a taxi meter must provide the Council with a current table of fares. This table shall also be displayed in the private hire vehicle where it is easily visible to passengers. Drivers must, if requested by the hirer, provide written receipts for the fare paid.

## 9 PRIVATE HIRE OPERATORS

### 9.1 Requirement for a Licence

A licensed private hire vehicle must only be despatched to a customer by a private hire operator with a private hire operator’s licence. Such a licence permits the operator to make provision for the invitation and acceptance of bookings for a licensed vehicle.

A private hire operator must ensure that every licensed private hire vehicle is driven by a licensed private hire driver who is licensed by the same local authority that issued the vehicle licence. This local authority must be the same as the one that issued the private hire operator’s licence.

Any person who operates a private hire service must apply to the Council 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.

The Council will grant private hire operator’s licences for a maximum of five years, but an applicant may request a lesser period.

### 9.2 Application Process

The person who will be in day-to-day charge of the business will be required to hold a Certificate of Competence issued by the Council. In order to obtain

this certificate, this person will be required to pass a knowledge test on the Conditions of Licence attached to the Operator’s Licence, Private Hire Vehicle Licence and Private Hire Driver’s Licence, the pass rate is 90%.

To apply for an Operators’ Licence you will need to complete an application form and pay the required fee. The day to day manager of the business can be the person who is applying for the Operator licence or can be a person nominated by the applicant.

An applicant for an Operator’s licence will be required to submit a basic DBS certificate, unless the applicant has already submitted a DBS certificate in connection with an application for a driver’s licence.

Where an Operator’s Licence is in existence and the person who holds the Certificate of Competence leaves, the Operator will need to speak to the Licensing Team as soon as possible. The Council will allow a period of grace for a replacement to be appointed but communication is essential.

### 9.3 Fitness and Propriety

The Council will only issue licences to applicants who are deemed to be fit and proper. In assessing this, the Council will have regard for the following:-

- Criminal records (including convictions, cautions, warnings and reprimands);

## 9 PRIVATE HIRE OPERATORS

- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity;
- Previous conduct (particularly where an applicant has previously held a licence with this or another local authority);
- Business practices demonstrated by the applicant (for instance standard of record keeping, compliance with other regulatory requirements, financial practices).

In addition, the Council may consider other information sources such as the Police, Children and Adult Safeguarding boards, other licensing authorities and statutory agencies.

If an application is received by a person who is not a currently licensed driver with Ipswich Borough Council the applicant will be required to provide a basic disclosure from the Disclosure and Barring Service.

### **9.4 Use of Operator Name following a Licence Revocation**

Where the Council has revoked a private hire operator's licence, the Operator name will not be permitted to be used by another applicant within 48 months of the revocation.

### **9.5 Operator Responsibility in respect of drivers/vehicles that are Operated**

The Operator is responsible for all persons (and vehicles) that are employed, used, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and

vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers who persistently breach licence conditions may also be detrimental to the continued fitness and propriety of an operator.

The following are examples of circumstances that may affect the fitness and propriety of a private hire operator:

- Vehicles being operated that are in an unsuitable condition;
- Vehicles being operated without appropriate insurance in place;
- A failure to co-operate with the Council in investigating complaints;
- A failure by operators to satisfactorily address concerns/complaints in relation to licensed drivers/vehicles

### **9.6 Conditions of Licence**

The Council may attach such conditions to a Private Hire Operator's licence as are considered necessary and these are set out in Appendix O.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account the aims and objectives of this policy

## 10 FEE STRUCTURE

The legislation provides that fees charged to applicants can cover the costs of the Council in providing the licensing services. This includes the administration of applications and ensuring compliance by licensees within the hackney carriage and private hire trade and unlicensed businesses.

The fees are reviewed in October each year and confirmed by the Council ahead of this. However, fees may be reviewed at any time.

## 11 COMPLIANCE AND ENFORCEMENT

### 11.1 Enforcement

The principal purpose of hackney carriage and private licensing is to protect the public and promote public safety. In doing this the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated.

The Environmental Health Enforcement Policy for the Council embeds its principles of enforcement and is attached as Appendix P.

A range of tools and powers, to ensure compliance, including mystery shopping, will be used. Compliance assessment is ultimately to ensure that the driver or operator is a 'fit and proper' person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

Where appropriate, referrals to other agencies will be made, such as, the Police, HM Customs and Excise, and both/child or adult safeguarding teams.

The Council will respond to complaints made by the public and referrals made by other agencies and bodies. In addition, Officers will undertake proactive inspections and testing as either day to day activities or as part of programmed operations. Any breach of the standards, policies, conditions or law may lead to suspension or revocation of the licence or to prosecution.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation to take place immediately.

Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the local Magistrates' Court in order to challenge the Council's decision. There is no other recourse available should they wish the suspension or revocation to be reversed.

### 11.2 Suspension of Licences

Where an individual failure in meeting the vehicle conditions is detected, an authorised officer may take immediate action to suspend the licence and require remedial action. This requires the service of a 'Stop Order' and further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until it has undergone a further test at the proprietor/driver's expense and/or been passed as fit for service by an officer of the Council and the appropriate fee has been paid.

In situations, where there exists a serious risk to the safety of the public the Operations Manager responsible for licensing, in conjunction with the Chair of the Licensing and Regulatory Committee, has the delegated authority to immediately suspend or revoke a driver's licence.

In situations where there is no serious risk to the safety of the public, licence holders may be required to appear before the Hackney Carriage and Private Hire Enforcement Sub Committee for it to determine if a person remains fit and proper to continue to hold a licence. The Sub Committee may suspend or revoke driver, vehicle and operator licences.

When considering revocation, consideration will be given to all the relevant facts and circumstances, including the aims and objectives of this policy and the nature of the breach.

Where a driver's licence has been revoked by the Council, a period of 1 year must elapse before a new applicant for the grant of a licence will be considered.

### 11.3 Refusal to Renew a licence

In circumstances where an applicant has not provided all relevant information, documents, or has failed to comply with any of the requirements to renew a licence, an authorised officer of the Council may refuse to renew the licence.

The applicant is able to appeal this decision to the local Magistrates' Court.

### 11.4 Prosecution of Licence Holders

The Council will prosecute licence holders for relevant offences in accordance with the Environmental Health Enforcement Policy.

### 11.5 Appeals

All notifications to licence holders will include information on how to appeal and to whom the appeal is made, if the right of appeal exists.

### 11.6 Service Requests and Complaints

The public may submit service requests and complaints/ concerns about licensed drivers, vehicles and operators via email to [licensing@ipswich.gov.uk](mailto:licensing@ipswich.gov.uk).

In considering the most appropriate course of action to take in relation to a complaint, the credibility of the complainant and the licence holder will be taken into account. In addition, if anyone wishes to complain about the service provided by the Council, there is a complaints procedure on the Council's website.